

MEETINGS TO DATE 19
NO. OF REGULARS 12
NO. OF SPECIALS 7

LANCASTER, NEW YORK
JULY 3, 1989

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 3rd day of July 1989, at 7:00 P.M. and there were

PRESENT: STANLEY JAY KEYSA, SUPERVISOR
RONALD A. CZAPLA, COUNCILMAN
ROBERT H. GIZA, COUNCILMAN
DONALD E. KWAK, COUNCILMAN
JOHN T. MILLER, COUNCILMAN
GEORGE E. O'NEIL, PLANNING BOARD MEMBER
JOHNSTON N. REID, JR. PLANNING BOARD MEMBER
MILDRED WHITTAKER, PLANNING BOARD MEMBER

ABSENT: DONNA G. STEPNIAK, PLANNING BOARD CHAIRMAN
ANTHONY FRANJOINE, PLANNING BOARD MEMBER
JOHN P. GOBER, PLANNING BOARD MEMBER
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
NICHOLAS LO CICERO, DEP. TOWN ATTORNEY
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of the proposed "Willowridge", "The Crossings", "Lake Forest" and "Deer Cross" Subdivisions and the proposed site plan for "Town Square Development".

IN THE MATTER OF THE SEQR REVIEW OF THE PROPOSED
TOWN SQUARE TOWNHOUSES SITE PLAN

The joint boards did not review this matter at this time but referred the site plan back to the Planning Board for site plan review and recommendation of the entire development, both Phase I and Phase II.

IN THE MATTER OF THE SEQR REVIEW OF THE PROPOSED
CROSSINGS SUBDIVISION

The joint boards did not review this matter pending determination of whether or not this proposed subdivision will ultimately lie in the path of a conceptual beltway running between the intersection of Broadway and Bowen Road, north to the N.Y.S. Thruway.

32x1

IN THE MATTER OF THE SEQR REVIEW OF THE PROPOSED
LAKE FOREST SUBDIVISION

The joint boards did not review this matter at this time but referred it back to the Planning Board with a request for an updated development plan certified as to its approval by the Planning Board Chairman.

IN THE MATTER OF THE SEQR REVIEW OF THE PROPOSED
DEER CROSS SUBDIVISION

The joint boards did not review this matter at this time but referred it back to the Planning Board with a request for an updated development plan certified as to its approval by the Planning Board Chairman.

IN THE MATTER OF THE SEQR REVIEW OF THE PROPOSED
WILLOWRIDGE SUBDIVISION

The joint boards did not review this matter at this time but referred it back to the Planning Board with a request for an updated development plan certified as to its approval by the Planning Board Chairman.

ON MOTION DULY MADE , SECONDED AND CARRIED, by voice vote, the joint meeting was adjourned at 8:05 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk

25 X 1

32 X 1

MEETINGS TO DATE 20
NO. OF REGULARS 13
NO. OF SPECIALS 7

LANCASTER, NEW YORK
JULY 3, 1989

A Regular Meeting of the Town Board of the Town of Lancaster,
Erie County, New York, was held at the Town Hall at Lancaster, New York on
the 3rd day of July 1989 at 8:00 P.M. and there were

PRESENT: RONALD A. CZAPLA, COUNCILMAN
ROBERT H. GIZA, COUNCILMAN
DONALD E. KWAK, COUNCILMAN
JOHN T. MILLER, COUNCILMAN
STANLEY JAY KEYS, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY
RICHARD SHERWOOD, TOWN ATTORNEY
BRUCE SHEARER, TOWN ENGINEER
JEFFREY H. SIMME, ASST. BUILDING INSPECTOR

12X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board held on June 19, 1989, and the Joint Meeting of the Town Board and the Planning Board held on June 19, 1989 and a joint meeting of the Town Board and the Village Board held on June 20, 1989 as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-MIN (P2)

32X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town
of Lancaster, by letter dated June 30, 1989, has recommended appointments
to various positions in the Summer Art Program and Creative Writing
Workshop,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby
appointed to the Summer Art Program and Creative Writing Workshop,
effective July 3, 1989, at an hourly rate as specified for each position:

SUMMER ART PROGRAM

Lori F. Schuman \$6.00 per hour
23 Legion Parkway
Lancaster, New York 14086

SUMMER CREATIVE WRITING WORKSHOP

Michael P. Catanzaro \$7.50 per hour
43 Camner Avenue
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-SUMR-YTH (P5)

32X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, Josela Enterprises, Inc., 5653 Broadway, Lancaster, New York 14086, has applied to the Town Board of the Town of Lancaster for permits to construct a Public Improvement upon real property in the Town of Lancaster within Pinetree Farm Subdivision, Phase I, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 176 of Josela Enterprises, Inc., 5653 Broadway, Lancaster, New York, for the installation of:

| | |
|-------------------------------------|--|
| P.I.P. No. 176 (Detention Basin) | Construction of one (1) detention basin to service the Pinetree Farm Subdivision. Associated with storm sewer installation described in P.I.P. No. 165, Pinetree Farm Subdivision, Phase I |
|-------------------------------------|--|

be and is hereby approved and the installation of the improvement requested be and is hereby authorized, subject to the following condition:

No Building Permits shall be issued until Performance Security as authorized in Chapter 11-6 of the Code of the Town of Lancaster is provided -- or -- until approval of all Public Improvements, including lighting and sidewalks, by the Town Engineer and Town Board, and sewer by Erie County Sewer District No. 4, and conveyance of Warranty Deed with adequate title insurance and bill of sale of improvements rights-of-way, and easement, and delivery of two (2) year maintenance bonds from date of acceptance in the principal sum of 25% of the total cost of the improvement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------|-------|-----|
| COUNCILMAN CZAPLA | VOTED | YES |
| COUNCILMAN GIZA | VOTED | YES |
| COUNCILMAN KWAK | VOTED | YES |
| COUNCILMAN MILLER | VOTED | YES |
| SUPERVISOR KEYSA | VOTED | YES |

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-P.I.P. (P1-2)

32X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, a Public Hearing was held on December 12, 1988, on the proposed repeal of the present Zoning Ordinance and Map and adoption of a new Zoning Ordinance and Map in place thereof, and

WHEREAS, after due consideration and review , the Town Board of the Town of Lancaster, on May 15, 1989, adopted a new Zoning Ordinance and Map, subject to various revisions to Zoning Map, as noted therein, and

WHEREAS, after further review the Town Board of the said Town has deemed it in the public interest to cause additional revisions to the Zoning Map to be effected thereon;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby causes additional revisions to the Zoning Map as adopted by the said Town Board on May 15, 1989, as follows:

- (1) Change the NB-Neighborhood Business District in Farm Lot 84 at the northeast corner of Aurora Street and William Street to a GB-General Business District;
- (2) Change a portion of the GB-General Business District in Farm Lot 11, Section 12, on the south side of Genesee Street east of Transit Road to a CMS-Commercial Motor Service District to reflect a present recognized non-conforming use of the parcel.

and

BE IT FURTHER

RESOLVED, that a copy of the resolution adopted May 15, 1989, together with a copy of this resolution be furnished to the Town's Planning Consultant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA ABSTAINED N.B. -1

The resolution was thereupon unanimously adopted.

July 3, 1989

N.B.-1 Supervisor Keysa abstained on this resolution stating that in the past, he represented, as a private attorney, the former owner of the property at the northeast corner of Aurora Street and William Street.

32X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Town Board has previously appointed Alice A.
Grzybowski, Daniel J. Latello and Anthony P. Rogacki to the position of
Laborer, Grade 1 in the service of the Highway Department of the Town of
Lancaster subject to a six (6) month probationary period, and,

WHEREAS, the Highway Superintendent by letter dated June 20, 1989
has requested that the Town Board grant permanence on this status to Alice A.
Grzybowski, Daniel J. Latello and Anthony P. Rogacki effective July 4, 1989.

NOW, THEREFORE, BE IT

RESOLVED, that ALICE A. GRZYBOWSKI, DANIEL J. LATELLO AND ANTHONY
P. ROGACKI be and are hereby appointed to the permanent positions of Laborer
Grade 1 in the service of the Highway Department of the Town of Lancaster
effective July 4, 1989, at a salary of \$11.01 per hour.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-PERS-APPT (P1)

12x1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER, TO WIT:

WHEREAS, Kazimierz and Alina Krauze, 106 Pavement Road Lancaster, New York have applied for a Dumping Permit for property situate on 106 Pavement Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Kazimierz and Alina Krauze, 106 Pavement Road, New York, be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicants at 106 Pavement Road, said dumping to be in strict conformance with the application of the petitioners as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer as follows:

1. No filling is allowed beyond the apparent top of bank of the creek (floodway) in this area.
2. No asphaltic rubble be used as fill material.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-PRMT-DP-0 (P1)

32X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK, TO WIT:

WHEREAS, Councilman Giza and Councilman Miller the Town of Lancaster, by letter dated June 23, 1989, have requested permission to attend the National Association of Towns and Townships meeting in Washington, D.C. on September 6th through September 8th, 1989.

NOW, THEREFORE, BE IT

RESOLVED, that ROBERT GIZA AND JOHN MILLER, Councilmen of the Town of Lancaster, be and hereby are authorized to attend the National Association of Towns and Townships Meeting in Washington, D.C. on September 6th through September 8th, 1989,

BE IT FURTHER

RESOLVED, that expense reimbursement for ordinary and necessary expenses be authorized in an amount not to exceed a total of \$675.00 each,

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-SEM-MTGS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, JAMES W. ZIMMER and HUGH ALLAN, 4560 Gunnville Road,
Clarence, New York, the owners of a parcel of land located on the west side
of Central Avenue, north of Walden Avenue in the Town of Lancaster, have
petitioned the Town Board of the Town fo Lancaster for the rezone of said
property from an R1-Residential District to an R2-Residential District, and

WHEREAS, the petition has been referred to the Planning Board of
the Town of Lancaster for recommendation and report,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of
the State of New York, a public hearing on the proposed rezone will be held at
the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July,
1989, at 8:00 o'clock P.M., Local Time, and that Notice of the Time and place
of such hearing be published in the Lancaster Bee, a newspaper of general
circulation in said Town, and be posted on the Town Bulletin Board, and that
a copy of such Notice of Hearing be referred to the Erie County Department of
Planning, pursuant to §239(m) of the General Municipal Law, which Notice shall
be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

32X1

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of July, 1989, the said Town Board will hold a Public Hearing on the 19th day of July, 1989, at 8:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an R1-Residential District to an R2-Residential District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, and more particularly described as Subdivision Lots Nos. 7 through 58 as filed in the Erie County Clerk's Office under Map Cover No. 556.

The property is situated on the west side of Central Avenue north of the intersection of Walden Avenue and Central Avenue.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

July 3, 1989

32X

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, by letter dated June 29, 1989, the Highway Superintendent of the Town of Lancaster has advised the Town Board of the immediate necessity of replacing the Steinfeldt Road Bridge in the Town of Lancaster due to holes in the deck and deterioration of the foundation, and

WHEREAS, the Highway Superintendent has further advised the Town Board that such reconstruction work can be accomplished by his Department, and

WHEREAS, the Highway Committee of the Town Board deems it in the public interest to immediately repair the Steinfeldt Road Bridge, with said reconstruction work to be done by the Town Highway Department,

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders in form attached hereto and made a part hereof be published in the Lancaster Bee and be posted according to Law that the Town Board will receive bids up to 8:45 o'clock P.M., Local Time, on July 17, 1989, to furnish Forty-Two feet of Aluminum Box Culvert to the Town of Lancaster Highway Department in accordance with specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|-------------------|-------|-----|
| COUNCILMAN CZAPLA | VOTED | YES |
| COUNCILMAN GIZA | VOTED | YES |
| COUNCILMAN KWAK | VOTED | YES |
| COUNCILMAN MILLER | VOTED | YES |
| SUPERVISOR KEYSA | VOTED | YES |

The resolution was thereupon unanimously adopted.

July 3, 1989

32X

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, up to 8:45 O'clock P.M. Local Time, on July 17, 1989, for furnishing to the Highway Department of the Town of Lancaster, Forty-two (42) feet of Aluminum Box Culvert with a span of 12'11" and a rise of 6'0". Waterway end is 66.6 sq.ft. with a minimum cover of 2.5 feet. The structure shall include a Full Invert, Two Toe Walls, Two Headwalls, Four Corner Panels and Wing Panels to make up the Wing Walls. Headwalls shall be at least 18" high above the structure shell. All necessary nuts/bolts and two sets of drawings to be furnished, and shall be in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in an amount representing five per centum (5%) of the total bid, payable to the Supervisor of the Town of Lancaster, and non-collusive bid certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

July 3, 1989

32X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed Chapter 11 of the Code of the Town of Lancaster, entitled: "Construction of Public Improvements", and has after review determined that there is a need to amend the aforementioned Chapter 11 to add provisions concerning insurance documentation by contractors working on public improvements for which a permit has been issued by the Town Board, and

WHEREAS, said Chapter 11, "Construction of Public Improvements" shall be amended to read as follows:

.

"11-5.1. Insurance requirements.

All applications for public improvement permits shall be accompanied by insurance documentation which specifically lists the Town of Lancaster and the Town Consulting Engineers as additional insureds on policies of general liability, auto liability and excess liability in the face amount as the Town Board shall from time to time deem appropriate."

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town of Law of the State of New York, a public hearing on a proposed amendment to the Construction of Public Improvements Ordinance, Chapter 11 of the Code of the Town of Lancaster, County of Erie and State of New York, on the 17th day of July, 1989, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster New York, and that Notice of the Time and Place of such Hearing be published on or before July 6, 1989, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

32X

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|-------------------|-------|-----|
| COUNCILMAN CZAPLA | VOTED | YES |
| COUNCILMAN GIZA | VOTED | YES |
| COUNCILMAN KWAK | VOTED | YES |
| COUNCILMAN MILLER | VOTED | YES |
| SUPERVISOR KEYSA | VOTED | YES |

The resolution was thereupon unanimously adopted.

July 3, 1989

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of July, 1989, the said Town Board will hold a Public Hearing on the 17th day of July, 1989, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Construction of Public Improvements Ordinance, known as Chapter 11 of the Code of the Town of Lancaster, by adding thereto the following:

.....

"11-5.1. Insurance requirements.

All applications for public improvement permits shall be accompanied by insurance documentation which specifically lists the Town of Lancaster and the Town Consulting Engineers as additional insureds on policies of general liability, auto liability and excess liability in the face amount as the Town Board shall from time to time deem appropriate."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

July 3, 1989

2X

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, the Town of Lancaster, erroneously collected a tree
planting fee in the amount of \$1,140.00 from Marrano Development Corporation
for the erection of 16 townhouse units in Buildings No. 9, 10 and 11 on
Eastwood Parkway within the private development locally known as Eastwood
Village, within the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to
prepare a voucher and refund to Marrano Development Corporation, 4040 Clinton
Street, West Seneca, New York, in the sum of \$1,140.00 representing the tree
planting fee collected erroneously on the above referenced units.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

32X

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK, TO WIT;

WHEREAS, the Executive Director of the Youth Bureau, by letter dated June 30, 1989, has recommended the appointment of several individuals to the position of tutors, with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that MARIA MASIEWICZ, 194 Calumet Street, Depew, New York 14043, LAURA SUTTELL, 442 Prospect Avenue, East Aurora, New York 14052 and JENNIFER LYNN HAAS, 9360 Willow Wood Drive, Clarence, New York 14031, effective July 3, 1989, be and hereby appointed to the position of Tutors, part-time temporary, for work with the Town of Lancaster Youth Bureau in their Tutorial Program, at an hourly rate of \$5.00 per hour, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

| | | |
|-------------------|-------|-----|
| COUNCILMAN CZAPLA | VOTED | YES |
| COUNCILMAN GIZA | VOTED | YES |
| COUNCILMAN KWAK | VOTED | YES |
| COUNCILMAN MILLER | VOTED | YES |
| SUPERVISOR KEYSA | VOTED | YES |

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-TUTOR(P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER, TO WIT:

WHEREAS, Section 5.202.5 of the Election Law of the State of New York, provides for consolidation of Election Districts for the purpose of registration of voters, and

WHEREAS, the Town of Lancaster consolidated polling places for the years 1979 through 1988 thereby resulting in a substantial cost savings to the taxpayers of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby directed to contact the Erie County Board of Elections and request authorization from the Erie County Board of Elections for the consolidation of thirty-four (34) polling places within the Town of Lancaster for the October 1989 Registration of Voters into a single place of registration, that is, namely the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-E-CNSLDAT

2x1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster, by letter dated June 29, 1989, has recommended the employment of Thomas Richards, Martin Mrozek and Brian Graham for summer employment in the Highway Department of the Town of Lancaster, to fill the vacancies created by the resignation of Frank C. Higgins and Fred Kawa, III and the disqualification of Anthony Tiganl,

NOW, THEREFORE, BE IT

RESOLVED, that the Highway Superintendent of the Town of Lancaster be and is hereby authorized to employ THOMAS RICHARDS, MARTIN MROZEK and BRIAN GRAHAM, effective July 3, 1989, said employment ending August 31, 1989, in the Highway Department of the Town of Lancaster, on a temporary basis at an hourly rate of \$5.00 per hour, conditioned upon certification by the Highway Superintendent that these appointees are both over the age of 18 years, are duly enrolled in a course of higher education at the college level and will be returning to school to pursue said education at the end of the summer season, and,

BE IT FUTHER

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Highway Superintendent.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-SUMR-YTH (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric and Gas Corporation has submitted a proposal, dated June 30, 1989, for improvement of street lighting on Aurora Street, within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the said Lighting Committee, after investigation, review and consideration has recommended the said installations,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric and Gas Corporation be and is hereby authorized to make the following installations:

Aurora Street

| | |
|--|-----------------|
| Install 1 8500 lumen HPS lamp @ \$106.24 ea. - | \$106.24 |
| Plc 70A line 243 (entrance to Country Side Subdivision) | |
| TOTAL ANNUAL INCREASE - | \$106.24 |

and,

BE IT FURTHER

RESOLVED, that this proposal is made contingent upon the terms and conditions covered in New York State Electric and Gas Corp.'s street lighting filed tariff agreements with the Town of Lancaster, District No. 1.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-LGHTNG (P1)

32x1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, JEFFREY D. TUCKER and GARY D. MACHNIAK, d/b/a Wood-N-Rainbow Inc., 46 Abbott Road, Buffalo, New York 14220, the contract vendees of a parcel of land located on the east side of Pavement Road, north of Broadway in the Town of Lancaster, have petitioned the Town Board of the Town of Lancaster for the rezone of said property from an AR-Agricultural Residential District to an M1/L1- Light Industrial District, and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for recommendation and report,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a public hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 1989, at 8:15 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to §239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of July, 1989, the said Town Board will hold a Public Hearing on the 17th day of July, 1989, at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an AR-Agricultural Residential District to an LI (M1) Light Industrial District:

THE PROPERTY is commonly known as 21 Pavement Road, Lancaster, New York, and is identified as SBL No. 116.00-2-14.

The property is more fully described as follows:

BEGINNING at a point in the center line of Pavement Road, distant 425.24 feet northerly of the intersection of the center line of Pavement Road with the center line of Broadway, thence northerly and along said center line of Pavement Road a distance of 150 feet to a point; thence easterly and at right angles to said center line of Pavement Road a distance of 321.70 feet to a point; thence southerly and parallel with the said center line of Pavement Road a distance of 162.92 feet to a point; thence westerly at an exterior angle of approximately $92^{\circ}18'$, 321.75 feet to the beginning point on Pavement Road.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

July 3, 1989

TOWN BOARD OF THE
TOWN OF LANCASTER
BY: ROBERT P. THILL
Town Clerk

32X1

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA, TO WIT:

WHEREAS, the Lancaster Volunteer Ambulance Corps, by letter dated
June 14, 1989 has recommended the appointment of certain individuals to the
membership of said Corps,

NOW, THEREFORE, BE IT

RESOLVED, that the following additions be made to the membership
of the Lancaster Volunteer Ambulance Corps:

Charles Johnson
23 Kibler Drive
Depew, N.Y. 14043

Donald J. Sullivan Jr.
63 Caswell Street
Lancaster, N.Y. 14086

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-LVAC

32X1



TOWN OF LANCASTER

LEGAL NOTICE

NOTICE OF ADOPTION ZONING ORDINANCE

TOWN OF LANCASTER

21 CENTRAL AVENUE
LANCASTER, NEW YORK 14086

Town of Lancaster — Zoning Ordinance

Page 2

LEGAL NOTICE NOTICE OF ADOPTION ZONING ORDINANCE TOWN OF LANCASTER

Chapter 50, "Zoning Ordinance" of the Code of the Town of Lancaster, County of Erie and State of New York, is hereby repealed and a new Chapter 50, "Zoning Ordinance" of the Code of said Town is hereby enacted in place thereof, which reads as follows:

CHAPTER 50 ZONING ORDINANCE TOWN OF LANCASTER, NEW YORK Adopted May 15, 1989

PART I

ZONING

SCOPE AND APPLICATION

- Section 1 Title
- Section 2 Intent and Interpretation
- Section 3 Establishment of Zoning Ordinance and Map
- Section 4 Definition of Terms
- Section 5 References

PART II

RESIDENTIAL DISTRICTS

- Section 1 Agricultural Residential District (A-R)
- Section 2 (Reserved)
- Section 3 Residential District One (R-1)
- Section 4 (Reserved)
- Section 5 Residential District Two (R-2)
- Section 6 (Reserved)
- Section 7 Multi-Family Residential District Three (MFR-3)
- Section 8 (Reserved)
- Section 9 Multi-Family Residential District Four (MFR-4)
- Section 10 (Reserved)
- Section 11 Yard and Building Spacing; MFR-4 District
- Section 12 (Reserved)
- Section 13 Mobile Home Residential District Five (MHR-5)
- Section 14 Auxiliary Housing Units
- Section 15 General Provisions

PART III Reserved

PART IV

BUSINESS DISTRICTS

- Section 1 Neighborhood Business (NB)
- Section 2 General Business (GB)
- Section 3 Commercial and Motor Service (CMS)
- Section 4 Shopping Center (SC)
- Section 5 Residential/Commercial Office (RCO)
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PART V

INDUSTRIAL DISTRICTS

- Section 1 Light Industrial District (LI)
- Section 2 General Industrial District (GI)
- Section 3 Sand Gravel and Aggregates District (SGA)
- Section 4 General Provisions

PART VI Reserved

PART VII

REGULATIONS APPLYING TO ALL DISTRICTS

- Section 1 Off-Street Parking, Loading and Stacking Facilities
- Section 2 Landscaping Regulations
- Section 3 Sign Regulations
- Section 4 Nonconforming Uses
- Section 5 Minimum Building Lines on Major Streets
- Section 6 Supplementary Height Regulations
- Section 7 Bulk Storage of Combustible or Flammable Liquids
- Section 8 Height of Fences and Walls
- Section 9 Clear Vision
- Section 10 Projection into Yards and Courts
- Section 11 Ornamental Gates and Portals
- Section 12 Lot Division
- Section 13 Subsurface Rights
- Section 14 Yards for Outdoor Storage

PART VIII

ADMINISTRATION ENFORCEMENT

- Section 1 Amending Procedures
- Section 2 Site Plan Submittal and Review
- Section 3 Administrative Procedures
- Section 4 Board of Appeals
- Section 5 Special Use Permits
- Section 6 Schedule of Fees Not Otherwise Provided for in This Ordinance
- Section 7 Provisions of Ordinance Declared to be Minimum Requirements
- Section 8 Penalties for Violation
- Section 9 Validity
- Section 10 Repeal of Conflicting Legislation

PART I

SCOPE AND APPLICATION

Section 1 — Title

This ordinance shall be known as the Zoning Ordinance of the Town of Lancaster, Erie County, State of New York.

Section 2 — Intent and Interpretation

2-1 — Intent

The purpose of the Zoning Ordinance and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible the environment of the Town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry, or other purposes:

by regulating and restricting the bulk, height, design, lot coverage and location of structures, by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the limits of the Town, into districts of such number and dimensions in accordance with the objectives of the Comprehensive Plan; and to provide procedures for the administration and amendment of said Zoning Ordinance.

The ordinance is intended to achieve, among others, the following objectives:

2-1.1 — To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses; and to insure their orderly and beneficial development;

2-1.2 — To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

2-1.3 — To prevent overcrowding of the land;

2-1.4 — To prevent excessive concentration of population and, on the other hand, to prevent sparse and uncoordinated development;

2-1.5 — To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property so as to carry out the objectives of the Comprehensive Plan of the Town.

2-1.6 — To protect persons and property from damage and injury due to fire or flood;

2-1.7 — To protect significant natural features and vegetation; thereby preventing ecological damage and visual blight which occur when these features or vegetation are eliminated or substantially altered to serve development purposes only;

2-1.8 — To assure that structures and land use arrangements are esthetically harmonious with nearby areas and structures;

2-1.9 — To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with, and be damaged least by traffic movements, and hence result in lessened street congestion and improved public safety;

2-1.10 — To establish zoning patterns that insure economic extensions for sewers, water supply, waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

2-1.11 — To guide the future development of the Town so as to bring about the gradual conformity and continuity of land and building uses in accordance with the objectives of the Comprehensive Plan;

2-1.12 — To accomplish the specific intents and goals set forth in the introduction to the respective sections;

2-1.13 — To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

2-2 — Interpretation

2-2.1 — The provisions of this ordinance shall not annul or in any way interfere with existing deed or plat restrictions, easements or other agreements between persons, codes, laws, rules, regulations or permits previously adopted or issued except those ordinances or sections thereof which are contrary to and in conflict with this Ordinance.

2-2.2 — Wherever this ordinance imposes greater restrictions upon the use of structures or land, the height or bulk of buildings, or requires larger land or building areas, yards or other open spaces than are otherwise required or imposed by deed or plat restrictions or laws, this ordinance shall control; and conversely, other regulations shall control where they impose greater restrictions than this ordinance and for that purpose it shall not annul, modify or impair the provisions of any existing deed or plat restrictions, easements or other agreements.

2-2.3 — In interpreting and applying the provisions of this ordinance, its provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare and to accomplish the intent thereof. Except as specifically provided herein, it is not intended by the adoption of this ordinance to repeal, abrogate or annul any existing provision of any law previously adopted relating to the use of structures and land and the design, erection, alteration or

maintenance of structures thereon. Titles and headings have been inserted for convenience of reference and are not intended to define or limit the scope of, or otherwise affect any provisions in this ordinance.

Section 3 — Establishment of Zoning Ordinance and Map

3-1 — Establishment of Districts

In order to carry out the purpose, intent and objectives of this ordinance, the Town is hereby divided into the following districts, which shall be designated on the Official Zoning Map by symbols and boundaries, said districts to be known as: SYMBOL — DISTRICTS as follows:

Residential Districts

A-R — Agricultural Residential District

R-1 — Residential District - One

R-2 — Residential District - Two

MFR-3 — Multi-Family Residential District - Three

MFR-4 — Multi-Family Residential District - Four

MHR-5 — Mobile Home Residential District - Five

Business Districts

NB — Neighborhood Business District

GB — General Business District

RCO — Residential Commercial Office District

CMS — Commercial and Motor Service District

SC — Shopping Center District

Industrial Districts

LI — Light Industrial District

GI — General Industrial District

SGA — Sand, Gravel and Aggregates District

3-3.5 — No required yard shall be separated in ownership from that portion of the lot on which a structure is located.

3-4 — Interpretation of District Boundaries

Where uncertainty exists as to boundaries of districts, the following rules shall apply:

3-4.1 — Boundaries indicated as approximately following the centerlines of streets or highways shall be construed to follow such centerlines;

3-4.2 — Boundaries indicated as approximately following existing lot lines shall be construed as following such lot lines;

3-4.3 — Boundaries indicated as approximately following Town boundaries shall be construed as following such boundaries;

3-4.4 — Boundaries indicated as following railroad lines shall be construed to be midway between main tracks;

3-4.5 — Boundaries indicated as approximately following the edge of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the center lines thereof.

3-4.6 — Boundaries indicated as parallel to or extensions of features indicated in sub-sections 3-4.1 through 3-4.5 above shall be construed pursuant to those provisions.

3-4.7 — Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Building Inspector shall interpret the district boundaries;

3-4.8 — Where district boundary lines established upon the adoption of this ordinance divides a lot which was in single ownership at that time the Board of Appeals may permit the extension of the regulations of either district into the other district if it finds, after receiving a recommendation from the Planning Board, that such an extension and the resulting use is consistent with the intent of this ordinance and the objectives of the Comprehensive Plan.

Section 4 — Definition of Terms

Words in this Ordinance are normally used in their ordinary English usage. Certain terms shall have the meaning hereinafter set forth, except where the context clearly indicates a different meaning.

4-1 — General Terms

4-1.1 — The word **SHALL** is mandatory; the word **MAY** is permissive; **SHOULD** is to be interpreted as expressing that which is desired and essential.

4-1.2 — All words used in the singular include the plural, and all words used in the present tense include the future tense.

4-1.3 — **BOARD OF APPEALS**, Board of Appeals Town of Lancaster, New York.

4-1.4 — **BUILDING INSPECTOR**, Building Inspector Town of Lancaster, New York.

4-1.5 — **COUNTY**, Erie County, New York.

4-1.6 — **CLERK**, Town Clerk of Lancaster, New York.

4-1.7 — **ENGINEER**, Town Engineer of Lancaster, New York.

4-1.8 — **PLANNING BOARD**, Planning Board Town of Lancaster, New York.

4-1.9 — **PERSON** includes a firm, association, organization, partnership, company, joint venture, or corporation as well as an individual.

4-1.10 — **TOWN**, Town of Lancaster, Erie County, New York, outside the Villages of Lancaster and Depew, New York.

4-1.11 — **USED** or **OCCUPIED** includes the words intended, designed, or arranged to be used or occupied.

4-1.12 — **LAW**, Law, ordinances, rule or regulation of the Federal, State, County and Town governments as appropriate.

4-2 — Specific Terms

4-2.1 — **ACCESSORY STRUCTURE**. A subordinate structure located on the same lot with the principal structure, occupied or devoted to an accessory use. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered part of the principal structure.

4-2.2 — **ACCESSORY USE**. A use which is incidental, subordinate and related to the principal use of the property, located on the same lot therewith.

4-2.3 — **ALTERATION**. A change, rearrangement or addition to, or any relocation of, a building or structure; any modification in construction or equipment.

4-2.4 — **GASOLINE SERVICE STATION**. A place where gasoline, motor fuel and/or, oil, grease, batteries, tires, and motor vehicle accessories may be sold, supplied and or dispensed at retail, and where in addition the following service may be rendered and sales made:

4-2.4.1 — Sales and servicing of spark plugs, batteries, and distributors and distributor parts;

4-2.4.2 — Tire servicing and repair, but not recapping or regrooving;

4-2.4.3 — Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

4-2.4.4 — Radiator cleaning and flushing;

4-2.4.5 — Washing and polishing, and sale of automotive washing and polishing materials;

4-2.4.6 — Greasing and lubrication;

4-2.4.7 — Providing and repairing of pumps, and lines;

4-2.4.8 — Minor servicing and repair of carburetors;

4-2.4.9 — Wiring repairs;

4-2.4.10 — Adjusting and repairing brakes;

4-2.4.11 — Minor motor adjustments;

4-2.4.12 — Sale of beverages, packaged foods, tobacco, and similar convenience goods.

4-2.4.13 — Provision of road maps and other informational material to customers; provision of restroom facilities.

4-2.4.14 — Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition. A service station is not a repair garage nor a body shop.

4-3.1 — **BASEMENT**. A story partly below the grade level but having at least one-half (1/2) of its height above the average grade of the surrounding land.

4-3.2 — **BUILDABLE AREA**. That portion of the lot remaining after required yards have been provided.

4-3.3 — **BUILDING**. Any improvement having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels; mobile home.

4-3.4 — **BUILDING AREA**. The maximum horizontal projected area measured from the exterior walls of the building and its accessory building.

4-3.5 — **BUILDING HEIGHT**. The vertical distance from the finished grade line at the foundation, to the highest point of the roof.

4-3.6 — **BUILDING** (or **FRONT SETBACK**) **LINE**. A line parallel to the right of way street line, between which line and the street right of way no building may be built.

4-4.1 — **CLUB** (private). A not for profit organization, not including a fraternity or sorority house, whose premises are restricted to its members and their guests.

4-4.2 — **COURT, INNER**. An unroofed, open space enclosed by four (4) walls. **OUTER**. Same as inner court but with one (1) side open to a yard.

4-5.1 — **DEVELOPMENT AREA**. An area of land permitted by this Ordinance to be developed by a single owner or group of owners, acting jointly, which may consist of a parcel or assembled parcels planned and developed as an entity.

4-5.2 — **DWELLING**. A building or portion thereof designed or occupied exclusively for residential and permitted accessory uses.

4-5.2.1 — **DWELLING UNIT**. A room or group of rooms within a building forming a single habitable unit which may be occupied by a single [one] family for living, sleeping, cooking, and eating purposes. A dwelling unit may be attached or detached.

4-5.2.2 — **MULTI-FAMILY DWELLING**. A building or portion thereof containing three (3) or more dwelling units and designed or used for occupancy by three (3) or more families living independently of each other.

4-5.2.3 — **SINGLE-FAMILY DWELLING**. A building containing one (1) dwelling unit and designed or used exclusively for occupancy by one (1) family.

4-5.2.4 — **TWO-FAMILY DWELLING**. A building containing two (2) families living independently of each other; or two (2) one-family dwellings having a party wall in common.

4-6.1 — **ENLARGEMENT**. An "enlargement" is an increase in floor area of an existing building or an increase in size of an existing structure, or an increase in the area of land used for an existing open use.

4-6.2 — **EXTENSION**. An "extension" is an increase in the amount of existing floor area used for an existing use in an existing building.

4-7.1 — **FAMILY**. Any number of individuals related by blood, marriage or adoption or not more than three (3) individuals who are not so related, living together as a single housekeeping unit.

4-7.2 — **FARM**. A single parcel of land five (5) acres or more in size on which an owner or tenant carries on agricultural or dairying pursuits or the raising of livestock, poultry or the keeping of bees.

4-7.3 — **FLOOR AREA**. The total horizontal area of a building as outlined by its exterior walls, not including any space the habitation of which is prohibited by any law, built-in or attached garages, porches or terraces.

4-8.1 — **GAME ROOM**. A building or place containing four (4) or more amusement games.

4-8.2 — **GARAGE, PRIVATE**. A building, accessory to dwellings, used exclusively for the parking or temporary storage of motor vehicles, boats and trailers.

4-8.3 — **GARAGE, STORAGE**. A main or accessory enclosed building with doors, other than a private garage, used for parking or temporary storage.

4-8.4 — **GARAGE, REPAIR**. A main or accessory building used or designed for motor vehicle repair purposes; a service garage if accessory to an automobile salesroom.

4-8.5 — **GROUND-FLOOR AREA**. The maximum horizontal area of a building at the ground level excluding open porches, terraces, and steps and attached or built-in garage areas.

4-8.6 — **GROUP DEVELOPMENT**. Two (2) or more structures containing attached dwelling units. Structures need not be on individual lots.

4-11.1 — **JUNKYARD**. A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, stored, baled, packed, disassembled, handled or abandoned; but not including pawn shops, antique shops, establishments for the sale, purchase or storage of used furniture, household equipment, clothing, used motor vehicles in a condition capable of being registered pursuant to the Vehicle and Traffic Law of the State of New York, or machinery to

be reused for the purpose for which originally manufactured.

4-12.1 — **KENNEL**. Any premises which continuously keeps four (4) or more dogs more than six (6) months old are kept.

4-13.1 — **LOT COVERAGE**. The percentage of the lot covered by the main and accessory structures.

4-13.2 — **LOT**. A parcel of land for a structure, use and the accessory structures or uses customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are arranged and designed to be used in connection with such structure.

4-13.3 — **LOT LINE**. Any boundary line of a lot.

4-13.4 — **LOT MEASUREMENTS**.

4-13.4.1 — **DEPTH**. The mean horizontal distance between the front and rear lot lines.

4-13.4.2 — **WIDTH**. The horizontal distance of a lot measured along the building line at right angles to the mean lot depth line.

4-13.5 — **LOT OF RECORD**. Land designated as a separate parcel on a plat map or deed filed or recorded in the Office of the Clerk of Erie County, New York.

4-13.6 — **LOT TYPES**

4-13.6.1 — **CORNER LOT**. A parcel of land having lot lines at the junction of two (2) or more streets, or having lot lines on the same street forming an interior angle of intersection not more than 135 degrees.

4-13.6.2 — **INTERIOR LOT**. A lot other than a corner lot.

4-13.6.3 — **THROUGH LOT**. An interior lot which has frontage on more than one (1) street.

4-14.1 — **MOBILE HOME**. A dwelling unit constructed to be towed on its own chassis and undercarriage, at least 40' long and 10' wide and containing living facilities suitable for year-round occupancy by one (1) family including permanent provisions for eating, sleeping, cooking, and sanitation. Mobile Homes may be located in the MHR-5 District.

4-15.1 — **NONCONFORMING**. Any lawful building or structure or any lawful use of land, premises, building or structure which does not conform to the regulations of this ordinance for the district in which such building, structure, or use is located either at the effective date if this ordinance or as a result of subsequent amendments thereto.

4-16.1 — **OPEN SPACE**. An area undisturbed buildings from the ground upward, except for walks, paths, landscaping or other site features in public, common or other private ownership. Yards of individual lots occupied by dwellings shall not constitute open space.

4-16.2 — **OPEN SPACE - COMMON**. A parcel or parcels of land or an area of water or a combination of land and water within the site, privately owned and designated and intended for the use and enjoyment of two (2) or more households residing in the site, or a specified portion thereof, or other users if permitted by the owners of the common open space.

4-16.3 — **OWNER**. As used in this ordinance shall include, in addition to its usual meaning, tenant, lessee, occupant or other user.

4-14.4 — **OVERLAY DISTRICT**. A distinct classification superimposed in addition to another (basic) district classification, further regulating or limiting structures and uses otherwise permitted and regulated pursuant to the basic district classification.

4-19.1 — **RESIDENT PROFESSIONAL**. A health care professional, attorney, engineer, architect, community planner, landscape architect, land surveyor, accountant, insurance agent or broker, realtor, teacher and photographer only.

4-20.1 — **STORY**. The portion of a building between the surface of a floor and the next floor above or the ceiling next above under a roof.

4-20.2 — STREET. A public or private way which permits conducting of vehicular travel and/or affords a primary means of access by vehicles and pedestrians to abutting properties including the entire area within the right-of-way. The term includes those ways as shown on plats filed in the Office of the Erie County Clerk, whether improved or not.

4-20.3 — STREET GRADE. The elevation of the street measured at its crown.

4-20.4 — STREET LINE. The right of way line.

4-20.5 — STRUCTURE. A building or anything other than a fence which requires permanent location in or on the ground or attachment to something having such location.

4-22.1 — USE. The specific purpose for which land or building is designed, arranged, intended or for which it is or may be occupied or maintained.

4-23 — YARD. An open space on the same lot with the building unoccupied and unobstructed by any portion of the building upward from the ground upward except as otherwise provided in this ordinance.

4-23.1 — YARD, FRONT. An open space extending the full width of the lot between the front line and the building setback line as established by this ordinance.

4-23.2 — YARD, REAR. The yard extending from the rearmost point of the building to the rear lot line across the full width of the lot.

4-23.3 — YARD, REQUIRED. The minimum yard required between a lot line and building line or line of any parking, loading and stacking area or any other use, requiring a yard in order to comply with the zoning regulations of the district in which the zoning lot is located. A required yard shall be open and unobstructed from the ground upward except for projections on buildings as permitted in this ordinance and except for walks, landscaping, and other site features.

4-23.4 — YARD, SIDE. An open space extending from the front yard to the rear yard and of a width established by this ordinance, the width shall be measured at right angles to the side lot line.

4-24 — SOLAR ENERGY SYSTEM. An arrangement or combination of components and structures designed to provide heating, cooling, hot water or electricity through the process of collecting, converting, storing, and protecting against unnecessary dissipation and distribution of solar energy.

4-25 — SOLAR SKYSPACE. The space between a solar collector and the sun which must be free of obstructions for a solar energy system's effective operation.

4-26 — STABLE. A building or part of a building used to house horses.

4-27 — NURSERY. The land and buildings used for the raising and sale of plants, trees and shrubs.

4-28 — QUARRY, SAND PIT, GRAVEL PIT. A plot of land or part thereof used for the purpose of extracting any natural solid products as an industrial/commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

4-29 — RIDING ACADEMY. Any establishment where horses are kept for riding, driving or stabling for compensation.

4-30 — BUFFER. A landscaped open space required to separate different land uses.

4-31 — HOSPITAL, ANIMAL. An establishment for the medical and/or surgical care of animals.

4-32 — FRANCHISED DEALER. A person holding a current franchise for the sale and servicing of new products to include cars, trucks, boats, mobil homes, and similar items.

4-33 — POND. A natural or manmade excavation used for the storage or collection of water.

4-34 — SWIMMING POOL. A water filled enclosure, more than 24 inches deep; either above or below ground level, designed, used and maintained for swimming.

4-35 — TOURIST HOME. A dwelling in which overnight accommodations are provided or offered for compensation. The accommodations shall be contained within the confines of the principal building.

4-36 — ZONING OFFICER. The building inspector of the Town of Lancaster and his designated deputies or assistants.

Section 5 — REFERENCES

The following list of regulations supplement this ordinance and shall be complied with where applicable.

5.1 — State Environmental Review Act. (S.E.Q.R.)

5.2 — Excavations, Chapter 18

5.3 — Flood Hazard Areas, Chapter 21

5.4 — Auto Wrecking and Junkyards, Chapter, 4

PART II

RESIDENTIAL DISTRICTS

Section 1 — Agricultural Residential Districts (A-R)

1-1 — Intent

To provide areas within the Town for low-density, semi-rural single family detached residential development which would also accommodate farm and other farm related and other non-intensive compatible activities.

1-2 — Permitted Structures and Uses

1-2.1 — Principal Structures and Uses
1-2.1.1 — Single Family detached dwelling units. In sewered areas R-1 District provisions shall apply.

Attached or built-in garages shall be deemed part of the principal structure, except for minimum livable floor area requirement.

1-2.1.2 — Public or private stables, provided the area of the lot is five (5) acres or more, and the stable and all exercise tracks are located at least one hundred (100) feet from any lot line.

1-2.1.3 — A farm, as defined in this ordinance, and buildings incident thereto.

1-2.1.4 — Church, synagogue, or any other place of public worship.

1-2.1.5 — Private wildlife reservations or conservation projects.

1-2.1.6 — Veterinarian, small animal hospital, riding stable, kennel and the keeping of small animals providing that any structures, pens or runways for the housing thereof are not less than one hundred (100) feet from any lot line.

Further, no manure or other odor or dust-producing substance shall be stored within one hundred (100) feet of any lot line. The manure shall be stored in tightly covered containers which shall control odor and insects.

1-2.1.7 — Forestry

1-2.1.8 — Golf Courses, with Special Use Permit.

1-2.1.9 — Picnic Groves, with Special Use Permit.

1-2.2 Accessory Structures and Uses

1-2.2.1 — Uses and structures incidental, subordinate and related to the above.

1-2.2.2 — Home Occupations as permitted and regulated by this ordinance.

1-2.2.3 — Office of a resident professional as permitted and regulated by this ordinance.

1-2.2.4 — Rooming and boarding of not more than three (3) persons.

1-2.2.5 — Detached private garages and parking areas.

1-2.2.6 — Private gardens and green-houses.

1-2.2.7 — Raising of livestock, poultry and bees on lots of not less than five (5) acres providing that any structures, pens or runways for the housing thereof are not less than 100 feet from any lot line and that fences or other enclosures are provided so as to keep the livestock, poultry or bees 15 feet from the lot line. Further no manure or other odor or dust producing substance shall be stored within 100 feet of any lot line.

1-2.2.8 — Swimming pools, as permitted and regulated by this ordinance.

1-2.2.9 — Other private recreational uses and structures.

1-2.2.10 — Sale and display of agricultural products grown on the premises, providing that the stand shall not exceed 300 square feet in net floor area.

1-2.2.11 — Windmills for the pumping of water or the production of electricity. Tower height 100 feet maximum, and shall be no closer than 150 feet to any property line.

1-2.2.12 — Greenhouse.

1-2.2.13 — Signs as permitted and regulated by this ordinance.

1-2.2.14 — Private and parochial schools and day care centers accredited, when required, by New York State, when accessory to a church, synagogue or other place of public worship.

1-2.2.15 — Off-street parking, loading and stacking as required by this ordinance.

1-3 Design Regulations — Principal structures and Uses

1-3.1 — Minimum Lot Area per dwelling unit - 1 acre

1-3.2 — Minimum width of lot abutting a dedicated street 100 ft.

1-3.3 — Minimum Yards

1-3.3.1 — Front - 60 feet

1-3.3.2 — Each Side - 25 feet

1-3.3.3 — Rear - 50 feet

1-3.4 — Maximum lot coverage by Structures - 25%

1-3.5 — Maximum Structure Height

1-3.5.1 — Residential Structures - 30 feet.

1-3.5.2 — Barns, Silos and Other Structures - 65 feet

1-3.6 — Minimum Livable Floor Area

1-3.6.1 — Under two stories - 900 sq. ft.

1-3.6.2 — Two stories or more - 1100 sq. ft.

1-4 — Design Regulations - Accessory Structures and Uses

1-4.1 — Structure Location:

1-4.1.1 — From another structure - 10 feet

1-4.1.2 — From any lot line - 15 feet

1-4.2 — Maximum Structure Height, except as otherwise permitted by Sec. 15 of this part - 30 feet

1-4.3 — Maximum Lot Coverage, including area covered by the principal structures - 35%

1-4.4 — Detached garage or shed may not exceed 750 sq. ft.

Section 2 — Reserved

Section 3 — Residential District One (R-1)

Intent

To provide areas within the Town for low density single family detached residential development where each dwelling unit must be located on an individual lot of at least 9375 sq. ft. for sewered areas. Maximum density will be approximately 3.5 dwelling units per gross acre. For unsewered areas each dwelling unit must be located on an individual lot of at least 3/4 acre (32670 sq. ft.). Maximum density for unsewered areas will be approximately 1.25 dwellings per gross acre.

3-2 Permitted Structures and Uses

3-2.1 — Principal Structures and Uses

3-2.1.1 — Single Family detached dwelling units as defined in the A-R District.

3-2.1.2 — Common Recreational Structure or Use provided that:

A. The land is owned by a Homeowners Association or other common ownership and is maintained and used only by the members of the Association or the owners in common, their families and guests;

B. The members of the Association or Common Owners are residents of the subdivision within which the structure or use is located; and

C. All buildings shall be located at least 75 feet from any adjoining residential lot line and all other structures and uses are at least 25 feet therefrom.

3-2.1.3 — Church or Synagogue or other place of public worship.

3-2.2 — Accessory Structures and Uses

3-2.2.1 — Uses and structures customarily incidental to the above.

3-2.2.2 — Home occupation as permitted and regulated by this ordinance.

3-2.2.3 — Office of a resident professional as permitted by this ordinance.

3-2.2.4 — Rooming and Boarding for not more than three (3) persons.

3-2.2.5 — Detached private garages and parking areas.

3-2.2.6 — Private gardens.

3-2.2.7 — Private recreational uses and structures.

3-2.2.8 — Swimming pools, as permitted and regulated by this ordinance and other laws.

3-2.2.9 — Signs as permitted and regulated by this ordinance.

3-2.2.10 — Private and parochial schools and day care centers accredited when required by New York State, when accessory to a church, synagogue or other place of public worship.

3-2.2.11 — Off-street parking, loading and stacking as required by this ordinance.

3-3 Design Regulations - Principal Structures and Uses

3-3.1 — Minimum lot area per dwelling unit:

public sewered - 9,375 sq. ft.

public sewered corner lot - 10,625 sq. ft.

no public sewer - (3/4 acre) 32670 sq. ft.

3-3.2 — Minimum width of lot abutting a dedicated street:

public sewered - 75 ft.

public sewered corner lot - 85 ft.

no public sewer - 100 ft.

3-3.3 — Minimum Yards: (Dwellings)

3-3.3.1 — Front - 35 ft.

3-3.3.2 — Side yards (two (2) required).

A. Dwellings up to thirty (30) feet in height - minimum width of any side yard shall equal ten percent (10%) of the lot width, but need not exceed ten (10) feet. The total width of both side yards shall equal twenty-five percent (25%) of the lot width, but the total width of side yards need not exceed twenty-five (25) feet.

B. Other principal buildings - each side yard shall equal fifteen (15) feet or a distance equal to one-half (1/2) the height of the principal building whichever is greater; provided, however, that when a side yard adjoins a lot in an R District, such side yard shall equal thirty (30) feet or a distance equal to the height of the principal building, whichever is greater.

3-3.3.3 — Rear - 35 feet

3-3.4 — Maximum lot coverage by structure - 35%.

3-3.5 — Maximum Structure Height - 30 feet

3-3.6 — Minimum Floor Area

3-3.6.1 — One (1) story - 1000 sq. ft.

3-3.6.2 — More than one (1) story - 1200 sq. ft.

3-4 — Design Regulations - Accessory Structures and Uses

3-4.1 — Structure Location

3-4.1.1 — From any other structure - 10 feet

3-4.1.2 — From any lot line - 5 feet

3-4.2 — Maximum Structure Height - 16 feet

Town of Lancaster — Zoning Ordinance

3.4.3 — Maximum Lot Coverage - including area covered by the principal structure - 40%.

3.4.4 — Detached garage or shed may not exceed 750 sq. ft.

Section 4 — Reserved

Section 5 — Residential District Two (R-2)

5-1 — Intent

To provide areas within the Town for low density, Single Family and Two Family detached residential development, where each dwelling unit must be located on an individual lot of at least 7,500 sq. ft. where public sewers are available. Maximum density will average 4.0 units per gross acre.

5-2 — Permitted Structures and Uses

5-2.1 — Principal Structures and Uses - Any structure or use permitted in the "R-1" District.

5-2.2 — Two Family Dwelling Units

5-2.3 — Accessory Structures and Uses - Any structure or use permitted and as regulated in the "R-1" District.

5-3 — Design Regulations - Principal Structures and Uses

5-3.1 — Minimum lot area (public sewer) - 7,500 sq. ft.

5-3.2 — Minimum lot area corner lot (public sewer) - 8,750 sq. ft.

5-3.2.1 — Each additional dwelling unit shall require - 5,000 sq. ft.

5-3.2.2 — Minimum lot area (no public sewer) - 32,670 sq. ft.

5-3.3 — Minimum width of lot abutting a dedicated street - 60 feet

5-3.4 — Minimum width of lot abutting a dedicated street - corner lot - 70 feet

5-3.5 — Minimum Yards:

A. Front - 35 feet

B. Side yards (two (2) required)

1. Dwellings up to thirty (30) feet in height - minimum width of any side yard shall equal ten percent (10%) of the lot width, but need not exceed ten (10) feet. The total width of both side yards shall equal twenty-five percent (25%) of the lot width, but the total width of side yards need not exceed twenty-five (25) feet.

2. Other principal buildings - each side yard shall equal fifteen (15) feet or a distance equal to one-half (1/2) the height of the principal building, whichever is greater; provided however, that when a side yard adjoins a lot in an R District such side yard shall equal thirty (30) feet or a distance equal to the height of the principal building, whichever is greater.

C. Rear - 30 feet

5-3.6 — Maximum lot coverage by building - 35%

5-3.7 — Maximum structure height - 30 feet

5-3.8 — Minimum Floor Area

5-3.8.1 — Under two (2) stories - 900 sq. ft.

5-3.8.2 — Two (2) or more stories - 1,100 sq. ft.

5-4 — Design Regulations - Accessory Structures and Uses - As permitted and regulated in the "R-1" District.

Section 6 — Reserved

Section 7 — Multi-Family Residential District Three (MFR-3)

7-1 — Intent

To provide areas within the Town for the development of attached and detached dwelling units, at a maximum density of approximately eight (8) units per gross acre where public sewers are available.

7-2 Permitted Structures and Uses

7-2.1 — Principal Structures and Uses - Any structure or use permitted in the "R-2" District and attached dwelling units.

7-2.2 — Accessory Structures and Uses - Any structure or use permitted in the "R-2" District and those customarily accessory to attached dwelling units.

7-3 Design Regulations - Principal Structures and Uses - Attached Dwelling Units

7-3.1 — Attached Dwelling Units

7-3.1.1 Minimum lot width for each group development or separate structure not a part of a group development - 120 feet

7-3.1.2 Minimum yard for structures

A. Front - 30 feet

B. Side or Rear - 40 feet

7-3.1.3 Maximum Structure Height - 35 feet

7-3.1.4 Minimum Floor Area for Attached Dwelling Unit:

A. 0 Bedroom - 400 sq. ft.

B. 1 Bedroom - 640 sq. ft.

C. 2 Bedrooms - 760 sq. ft.

D. 3 Bedrooms - 1000 sq. ft.

E. 4 or more Bedrooms add - 180 sq. ft. per bedroom.

7-3.1.5 — Maximum Land Coverage: 35%

7-3.1.6 — Access:

Dwelling units within a group development may be arranged in groups or clusters. Each group or cluster shall abut a street; however, each dwelling unit within such group or cluster need not so abut provided:

A. Each dwelling unit is accessible by means of a private street to service emergency vehicles.

B. The standards of design and construction for private streets shall meet applicable Town specifications for public streets unless modified by the approved site plan.

C. The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.

D. The procedures for the preservation and maintenance of private streets, pedestrian ways and common open space comply with all applicable laws.

7-3.1.7 — Density

Minimum gross land area to be devoted to Attached Units excluding the area of public streets on the perimeter of that area shall be equal to the number of dwelling units times 4300 square feet.

7-3.1.8 — Building Dimension and Location

Any main or longitudinal wall of a sequence of units shall not exceed 132 feet in length without a 90 degree offset of at least ten (10) feet, and the aggregate length of any wall excluding its offset, shall not exceed 176 feet in length. Principal structures shall be separated by at least thirty (30) feet.

7-3.2 — Detached Dwelling Units on Individual Lots - as permitted and regulated in the "R-2" District.

7-3.3 — Detached Dwelling Units, not on Individual Lots

7-3.3.1 — Density Minimum gross land area to be devoted to detached units excluding the area of public streets on the perimeter of that area shall be equal to the number of dwelling units times 7,500 square feet.

7-3.3.2 — Principal Structure Location and Separation Requirements

A. Front Building line from nearest street line of street serving it - 30 feet.

B. Side yards may vary depending on the design and arrangement of buildings, drives, and common open space. However, the minimum distance between adjacent dwellings shall not be less than 10 ft.

C. Minimum distance to interior lot line - 0 feet.

7-3.3.3 — Minimum Floor Area - Dwellings only

A. Under two (2) stories - 900 sq. ft.

B. Two (2) or more stories - 1100 sq. ft.

7-4 — Design Regulations - Structures and Uses Accessory to Attached Dwelling Units

7-4.1 — Structure Location

7-4.1.1 — From any other structure - 10 feet

7-4.1.2 — From any lot line - 5 feet

7-4.1.3 — No structure shall be located in the area between the front building line of the structure to which it is accessory and the street line of the street servicing it.

7-4.2 — Maximum Structure Height - 16 feet

7-4.3 — Maximum Lot Coverage - including area covered by the principal structure - 40%

7-4.4 — An Accessory structure shall not exceed the length of the principal structure.

7-5 — Design Regulations - Structures and Uses Accessory to Detached Dwelling Units

7-5.1 — Minimum Structure Location:

7-5.1.1 — From any other structure - 10 feet

7-5.1.2 — From any lot line - 5 feet

7-5.2 — Maximum Structure Height - 16 feet

7-5.3 — Maximum Lot Coverage - including area covered by the principal structure - 40%.

Section 8 — Reserved

Section 9 — Multi-Family Residential District Four (MFR-4)

9-1 — Intent

To provide area within the Town for medium density, multi-family development where the relationship among buildings and between wings of a single building is regulated in order to assure adequate light and air to residents, and protection to and from surrounding development. Maximum density will be approximately 14 dwelling units per gross acre depending on dwelling unit size.

9-2 — Permitted Structures and Uses

9-2.1 — Principal Structures and Uses

9-2.1.1 — Detached dwelling units as permitted and regulated in the "MFR-3" District.

9-2.1.2 — Attached Dwelling Units

9-2.1.3 — Dormitories, Fraternity/Sorority House

9-2.2 — Accessory Structures and Uses

9-2.2.1 — Any structure or use when accessory to a detached dwelling unit as permitted and regulated in "MFR-3" District.

9-2.2.2 — Any structure or use described and as regulated in Section II of this part when accessory to attached dwelling units.

9-3 — Design Regulations - Principal Structures and Uses

9-3.1 — Detached Dwelling Units: - as permitted and as regulated in the "MFR-3" District.

9-3.2 — Attached Dwelling Units:

9-3.2.1 — Minimum Land Area for each dwelling unit: - 3000 sq. ft.

9-3.2.2 — Minimum lot width for each group development or separate structure not a part of a group development - 150 feet

9-3.2.3 — Minimum Yards - as determined by formula in accordance with Section II of this part.

9-3.2.4 — Maximum Lot Coverage by Structure - 40%

9-3.2.5 — Maximum Building Height - 35 feet

9-3.2.6 — Minimum floor area:

A. Zero Bedroom - 400 sq. ft.

B. One Bedroom - 640 sq. ft.

C. Two Bedrooms - 760 sq. ft.

D. Three Bedrooms - 1000 sq. ft.

E. Four or more bedrooms add - 180 sq. ft. per bedroom.

F. Building Dimensions and Location - Any main or longitudinal wall of a sequence of units shall not exceed 132 feet in length, without a 90 degree offset of at least 10 feet and the aggregate length of any wall excluding its offsets shall not exceed 176 feet in length.

9-4 — Design Regulations - Structures and Uses Accessory to Attached Dwelling Units

9-4.1 — Determined in accordance with Section II of this part.

9-4.2 — Maximum lot coverage including principal structures - 45%

9-4.3 — Maximum Structure Height - 16 feet

9-5 — Access for Attached Dwelling Units

Dwelling units within a group development may be arranged in groups or clusters. Each group or cluster shall abut a street; however, each dwelling unit within such a group or cluster need not so abut provided:

A. Each dwelling unit is accessible by means of a private street to service and emergency vehicles.

B. The standards of design and construction for private streets shall meet applicable Town specifications for public streets unless modified by the approved site plan.

C. The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.

D. The procedures for the preservation and maintenance of private streets, pedestrian ways and common open space comply with all applicable laws.

9-6 — Regulations for Dormitory, Fraternity or Sorority House

These structures and uses and those accessory thereto are conditional and shall require a special permit from the Town Board which may establish regulations, requirements and conditions.

9-7 — Design Regulations - Structures and Uses Accessory to Detached Dwelling Units

9-7.1 — Minimum Structure Location:

9-7.1.1 — From any other structure - 10 feet

9-7.1.2 — From any lot line - 5 feet

9-7.2 — Maximum Structure Height - 16 feet

9-7.3 — Maximum Lot Coverage - including area covered by the principal structure - 45%

Section 10 — Reserved

Section 11 — Yard and Building Spacing: MFR-4 District

11-1 — Intent

In order to encourage greater flexibility and design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for Attached Dwellings in the MFR-4 District are hereby established. Buildings shall be arranged so as to assure privacy between adjacent structures and intersecting wings of structures, appropriate setbacks from streets, parking and recreation areas and to assure adequate light and air to residents and protection to and from surrounding development. Distances shall vary in relation to the height of structures and the arrangement to other land uses and boundary lines.

11-2 — Definitions

11-2.1 — Ha - is the height of building

A.

11-2.2 — Hb - is the height of building

B.

11-2.3 H (Ha or Hb) - is the vertical distance measured from the finished grade to the main roof line.

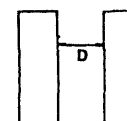
11-2.4 — D - is the required minimum horizontal distance between any wall of Building A and the nearest wall of Building B as determined by the formulas in Sections 11-3, 11-4, 11-5, and 11-6.

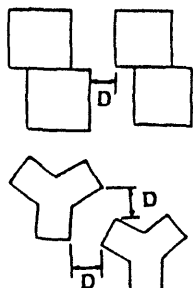
11-3 — Distance Between Parallel Buildings

11-3.1 — Parallel building walls; that portion of the exterior walls which are directly opposite when two buildings are parallel or within thirty degrees of being parallel and face each other across an open yard or court.

11-3.2 — The formula for determining the distance between exterior wall of the greater length shall be:

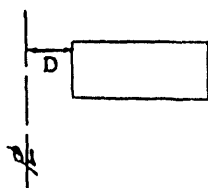
$$D = H + 20$$





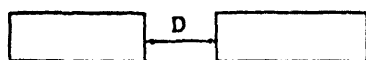
11-5.2 — Buildings with Wall of Lesser Length Parallel to the Lot Line or the Corner of Any Building on an Angle of 30 degrees - 60 degrees to the Lot Line:

$$D = 1.5H$$



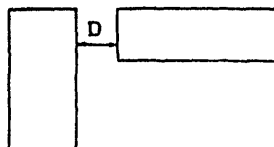
11-3.3 — The formula for determining the distance between exterior walls of the lesser length shall be:

$$D = H + 5$$



11-3.4 — The formula for determining the distance between exterior walls of the greater length and the lesser length shall be:

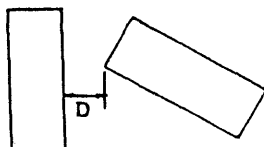
$$D = H + 10$$



11-4 — Distance Between Buildings in Angular Arrangements

11-4.1 — The minimum distance in angular arrangements of 30 degrees to 60 degrees shall be taken at the closest point of intersection between buildings along a line perpendicular to the closest point. The formula for determining the distance between exterior walls shall be:

$$D = H + 5$$

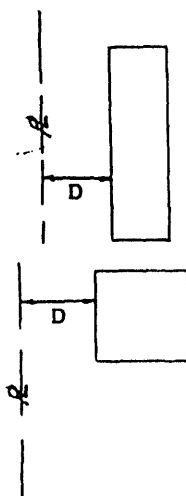


11-5 — Distance Between Buildings or Parts thereof and Lot Lines

The minimum distances shall be determined by the following formulas:

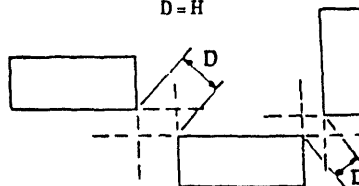
11-5.1 — Buildings with Wall of Greater Length Parallel to the Lot Line:

$$D = 2H$$



11-5.4 — Building Which, If Wall Lines are Extended, Do Not Intersect the Wall of the Nearest Structure Shall be Governed by the Following Formula:

$$D = H$$

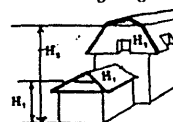


11-6 — Building Heights for All Districts

Combination building roof height shall be:

$$H = \frac{H(a) + H(b)}{2}$$

Building Heights



HIP ROOF



MANSARD ROOF



FLAT ROOF



GAMBREL ROOF



GABLE ROOF

11-7 — Permitted Accessory Structures and Uses in the MFR-4 District

Spacing Requirements: Permitted accessory structures and uses and minimum distances are as set forth in the following schedule:

(See chart #1)

a. Main Wall: Any exterior wall of a building containing the principal window of a living room, dining, and/or sleeping room or rooms.

b. End Wall: Any exterior wall of a building other than a main wall and containing secondary windows required for ventilation and not intended to provide a direct view.

c. Garage may be part of main apartment building, or if detached as set forth above.

d. Parking, loading and stacking area may abut principal structure if that area does not exceed the minimum established by this ordinance and is designed only for the use of the units within the structure. If the driveway is designed as a part of the building entrance, it may be less than set forth in this schedule for that section near the entrance.

e. Parking, loading and stacking area only.

Section 12 — Reserved

Section 13 — Mobile Home Residential District (MHR-5)

13-1 — INTENT

To provide areas planned and developed as mobile home parks within the Town. The district will permit single family detached mobile dwelling units on individual lots at a maximum density of approximately eight (8) units per gross acre.

13.2 — Permitted Structures and Uses

13.2.1 — Principal Structures and Uses

13.2.1.1 — Mobile Homes

13.2.2 — Accessory Structures and Uses

13.2.2.1 — Garage-Private

13.2.2.2 — Storage Shed

13.2.2.3 — Home Occupations as permitted and regulated by this ordinance.

13.2.2.4 — Park office, small convenience retail and service facilities, except for automobile drive-in restaurants, designed to serve the needs of residents of the mobile home park and having no advertising outside the building, except identification signs. The total gross floor area of such facilities shall not exceed 30 square feet per lot within the mobile home park, up to 3,000 sq. ft. maximum size.

Chart #1

| ACCESSORY STRUCTURE OR USE | TO WALLS OF PRINCIPAL BUILDING | | TO STREETS | | TO BOUNDARY LINES OF ADJACENT | |
|--|--------------------------------|-----------------|---------------------|----------------|-------------------------------|---|
| | Main (ft.) | End (ft.) | Public R.O.W. (ft.) | Private (ft.) | Single Family Detached (ft.) | Single Family Attached or Non-Residential District or Use (ft.) |
| Private Garage | 15 | 10 | 25 | 10 | 10 | 5 |
| Storage Garage | 30 ^c | 15 ^c | 25 | 10 | 10 | 5 |
| Parking, Loading, Stocking Area and Driveway | 15 ^d | 10 ^d | 20 ^a | 5 ^a | 25 | 10 |
| Areas for Active Recreation | 50 | 30 | 25 | 30 | 75 | 25 |

13-2.2.5 — Open space which may include recreational facilities and structures to serve the needs of the residents of the mobile home park.

13-2.2.6 — Private Gardens

13-2.2.7 — Signs as permitted and regulated by this ordinance.

13-2.2.8 — Off-street parking, loading and stacking and landscaping as required by this ordinance.

13-3 — Design Regulations - Structures and Uses

13-3.1 — Minimum site size - 20 acres, with a minimum of 50 mobile home lots fully serviced and available prior to initial occupancy.

13-3.2 — Minimum site width - 100 feet.

13-3.3 — Minimum recreation area - 8% of the gross site.

13-3.4 — Minimum distance between any structure and park site boundary - 25 feet.

13-3.5 — Boundary treatment - Fences, walls, plantings or other screening materials shall be provided.

13-3.6 — Mobile home lots

13-3.6.1 — Minimum lot area - 5,500 sq. ft.

13-3.6.2 — Minimum lot width - 50 feet.

13-3.6.3 — Minimum front yard

A. Dedicated street - 40 ft.

B. Private street - 25 ft. from pavement.

13-3.6.4 — Minimum distance between principal structures - 20 feet.

13-3.6.5 — Minimum distance between principal structure and accessory structure permitted under 13-2.2 - 10 feet.

13-3.6.6 — Minimum distance between principal structure and rear lot line - 15 ft.

13-3.6.7 — Minimum distance between accessory structures and side or rear lot line - 5 feet.

13-3.6.8 — No accessory structure shall be permitted in a front yard.

13-7 — Arrangement. Access and other Requirements

Dwelling units may be arranged in groups or clusters. Each group or cluster shall abut a street; however, each dwelling unit within such group or cluster need not so abut provided that:

13-7.1 — Each dwelling unit is accessible by means of a private street for service and emergency vehicles.

13-7.2 — The standards of design and construction for private streets shall meet the following standards:

13-7.2.1 — 66 foot wide right-of-way whether public or private.

13-7.2.2 — 28 foot pavement width, curb to curb.

13-7.2.3 — 15 inch depth, asphaltic concrete pavement.

13-7.2.4 — Storm water collection system with on-site detention if required.

13-7.2.5 — Sanitary sewer and waterline designed to meet Health, Water Authority, and Town standards.

13-7.2.6 — Fire hydrants at 500 ft. maximum.

13-7.2.7 — Main park roads shall have 4 foot wide sidewalks. Town may waive sidewalks on cul-de-sac and short loop streets.

13-7.3 — The procedures for the preservation and maintenance of all private streets, pedestrian ways and common open space shall comply with all applicable laws.

Section 14 — AUXILIARY HOUSING UNITS

A special use permit shall be required. The permit shall be issued by the Board of Appeals only after a public hearing advertised in the manner required by section 267 of the Town Law.

14-1 — An auxiliary housing unit may be included within a single-family detached dwelling to accommodate not more than two (2) members of the family

otherwise occupying the dwelling. At least one (1) member of the persons housed in the auxiliary housing unit shall be at least sixty (60) years of age or handicapped or otherwise incapacitated to the extent that independent housing is not practical.

14-2 — The auxiliary housing unit shall not exceed five hundred (500) square feet of space within the principal dwelling unit.

14-3 — The permit for auxiliary housing units shall be valid for a period not exceeding two (2) years. Thereafter, it can be renewed, from time to time, for additional two (2) year periods upon proof satisfactory to the Board of Appeals that the circumstances warranting the original permit continue to exist.

Section 15 — General Provisions

The following provisions apply to all residential districts, unless otherwise indicated.

15-1 — Supplemental Yard Regulations

15-1.1 — Front Yards of Partially Built-up Blocks

Where 50 percent or more of the aggregate street frontage on one side of a street between two successive intersecting streets is occupied by buildings the minimum front yard of a lot to be developed shall be the average setback distance of existing residence buildings located on either side.

15-1.2 — Side Yards on Corner Lots

The shorter line abutting streets on a corner lot is the front lot line. The width of the side yard on the street shall be not less than the front and the interior side yard shall comply with the minimum regulations for the district.

15-1.3 — Yards for Accessory Structures and Uses in A-R, R-1, R-2 Districts

No accessory building shall project into a front yard. An accessory building may project into a side yard to the extent permitted in the district.

15-1.4 — Exterior Heating or Air-Conditioning Structures

In A-R, R-1, and R-2 Districts non-portable exterior heating or air-conditioning structures shall not be located within five (5) feet from any lot line.

15-2 — Principal Structure Permitted on Lots in A-R, R-1, and R-2 Districts

There shall be no more than one (1) principal structure permitted on a lot in the A-R, R-1, or R-2 Districts.

15-4 — Swimming Pools/Ponds

15-4.1 — Limits on maximum lot coverage shall apply to above ground private swimming pools only if the land area covered exceeds eighty (80) square feet. In no event shall any private pool occupy more than ten (10) percent of the lot.

15-4.2 — No swimming pool, described as any pool capable of having a water depth exceeding twenty-four (24) inches, any part of which is below grade level, shall be installed unless there shall be erected and maintained a fence of such construction that there shall be no access except thru the gate having a minimum height of five (5) feet and a maximum height of six (6) feet and so constructed as will not shut off light or air to any buildings; and such fence shall completely surround the area of the swimming pool but shall be not less than four (4) feet from any edge of the swimming pool or placed on the lot line; and any gate shall be self-closing and locked while the premises are not under direct supervision of an adult.

All latching and locking devices shall be a minimum of 42 inches above the base of the fence.

The wall of a dwelling and/or its accessory buildings may act as an integral part of the fence, any openings or doors etc. shall be kept locked, also, while premises are unsupervised by an adult.

15-4.3 — No swimming pool, as described in Subsection 15-4.2, all of which is above ground shall be installed or maintained unless either:

15-4.3.1 — The ladder, stair or other access to the pool is capable of being removed and is removed when the pool is not being supervised by the owner thereof.

The word "removed" as used here, in addition to its usual and customary meaning, shall mean raising and locking the ladder, stair or other access in a position where the bottom thereof is at least as high as the top of the pool; or

15-4.3.2 — The ladder, stair or other access is completely enclosed by a fence, the minimum height of which shall be equal to the height of the pool, except that in no event shall the fence be higher than six (6) feet. Any gate in the fence shall be closed and locked when the pool is not being supervised by the owner thereof.

15-4.4 — No person shall discharge or cause to be discharged any water from a swimming pool over a public sidewalk or into a public street in violation of Health Department Rules or Regulations.

15-5 — Commercial and/or Unlicensed Vehicles in Residential District

Except in A-R District, no owner of lands shall permit principal garaging or open storage of any commercial vehicle as defined in 15-5.6 except that one (1) commercial vehicle, the rated capacity of which shall not exceed three fourths (3/4) Tons, shall be permitted only if housed within a completely enclosed building.

15-5.1 — Trailer. Any structure or vehicle which is mounted or designed for mounting on wheels and designed to be towed behind a motor vehicle.

15-5.2 — Camper Trailer. Any structure which is mounted or designed for mounting on wheels and which includes accommodations designed for sleeping or living purposes for one or more persons, and designed to be towed behind a motor vehicle.

15-5.3 — Camper. A compact, temporary living unit which sets in the bed of a pick-up truck.

15-5.4 — Recreational Vehicle. Any motorized vehicle which may include sleeping or living purposes for one or more persons.

15-5.5 — Boat. Any vessel capable of transport by water.

15-5.6 — Commercial Vehicle. A pick-up truck, van or other vehicle with a license plate and/or registration which designates that vehicle as being commercially licensed and which advertises by name or symbol any business or service, (automobile dealership labels excluded).

15-5.7 — One structure or vehicle as defined in 15-5.1 through 15-5.5 may be parked on a Driveway in the required front yard of any residence district provided that:

A. It shall not obstruct clear vision under section 9 of this ordinance.

B. It shall not be parked or stored within ten (10) feet of the front lot line.

C. It shall not be parked or stored within five (5) feet of any side lot line.

D. If the stored or parked height exceeds eight (8) feet the vehicle or structure shall be parked or stored in the rear yard or housed within a completely enclosed building.

15-6 — Design Regulations: Churches, Synagogues and Other Places of Public Worship and Related Activities

15-6.1 — Minimum Lot Area: 1 acre

15-6.2 — Minimum Lot Width: 200 feet

15-6.3 — Minimum Yards for structures parking, loading and stacking areas:

(See chart #2)

15-6.4 — Maximum Lot Coverage by Structure: 25%

15-6.5 — Maximum Structure Height (excluding Bell Spire): 35 ft.

15-6.6 — Boundary Treatment: Fences, walls or plantings or other screening materials shall be required to provide visual screening between adjacent structures and uses and parking or other areas or uses on the parcel.

15-7 — Home Occupation

A special use permit shall be required. The permit shall be issued by the Town Board only after a public hearing advertised in the manner required by Town Law and upon the following findings and conditions on the health, safety, and welfare of the surrounding community.

15-7.1 — Only persons residing on the premises shall be engaged in such an occupation.

15-7.2 — The Home Occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the Home Occupation shall not exceed 25% of the ground floor area of the principal structure. It may be within the principal or accessory structure.

15-7.3 — There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such Home Occupation.

15-7.4 — No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference perceptible to the normal senses off the lot.

15-7.5 — Reserved.

15-8 — Office of Resident Professional

A special use permit shall be required. The permit shall be issued by the Town Board only after a public hearing advertised in the manner required by Section 267, subsection 5 of the Town Law and upon the following findings and conditions:

15-8.1 — The Resident Professional Office shall be clearly incidental and subordinate to the use of the premises for residential purposes.

15-8.2 — The area devoted to the Resident Professional Office shall not exceed twenty-five (25) percent of the ground floor area of the principal structure.

Chart #2

| YARD | STRUCTURE (feet) | PARKING, LOADING AND/OR STACKING |
|--|------------------|----------------------------------|
| Front, from right-of-way of a dedicated street | 50 | 15* |
| Side, abutting a residential district | 25 | 25* |
| Rear, abutting residential district | 50 | 25* |
| Side and rear, abutting a non-residential district | 15 | 15* |

*entire area must be landscaped.

15-8.3 — The Resident Professional may have only one employee, assistant or associate.

15-8.4 — Off-street or other available legal parking spaces shall be provided in addition to driveways and any private garage or parking area according to the profession involved and the requirements of Part VII, Section 1 of this ordinance. The location thereof shall be determined by the Town Board. The location thereof shall be that which has the least negative impact on adjacent properties. Screening of the parking by fences, vegetation or other appropriate material shall be provided so as to assure privacy for adjacent land uses with visual, noise and air quality factors considered.

15-8.5 — One unlighted sign of not more than two (2) square feet in size identifying the resident and the profession attached flat against the building shall be permitted.

15-8.6 — The Town Board may establish additional conditions and restrictions as it deems necessary to protect the general health, welfare and safety including without limitation.

15-9 — Interpretation of Attached Dwelling Unit Lot Requirements in the MFR-3 and MFR-4 Districts

In the MFR-3 and MFR-4 Districts each attached dwelling unit within a structure which meets the requirements for the district shall also be deemed to meet the requirements if it is located upon a lot meeting the applicable density or dwelling unit minimum land area requirement. The dwelling unit may include an interest in common lands.

15-10 — Permitted Locations for Resident Professionals

Such use fronts on one (1) of the following streets or roads in the Town: Wehrle, Harris Hill, Central Avenue, William, Bowen, Aurora, Cemetery, Pavement, Town Line, Transit, Genesee, Broadway, Walden, Pleasantview, Ransom and Schwartz.

PART III Reserved

PART IV

BUSINESS DISTRICTS

Section 1 — Neighborhood Business (NB)

1-1 — Intent

To provide areas within the Town for the location of commercial uses serving the day-to-day convenient shopping and personal service needs of a neighborhood area and to insure the compatibility of such areas with surrounding residential development.

1-2 — Permitted Uses

1-2.1 — Principal Structures and Uses

1-2.1.1 — Food store

1-2.1.2 — Bakery and Confectionery Shops, including the manufacture of baked and confectionery goods primarily for on-site retail sale.

1-2.1.3 — Apparel and Accessories Store

1-2.1.4 — Home Furnishing Store

1-2.1.5 — Restaurant

1-2.1.6 — Drug Store

1-2.1.7 — Liquor Store

1-2.1.8 — Antiques and Second-Hand Merchandise Store

1-2.1.9 — Book and Stationery Store

1-2.1.10 — Sporting Goods and Bicycle Store

1-2.1.11 — Home Garden Store

1-2.1.12 — Jewelry Store

1-2.1.13 — (Reserved)

1-2.1.14 — Laundromat, Cleaning and Dyeing Outlets and Pickup Station.

1-2.1.15 — Photographic Supply Store

1-2.1.16 — Florist

1-2.1.17 — Cigars and Cigarettes

1-2.1.18 — Newspapers and Magazines

1-2.1.19 — Gifts, Novelties and Souvenirs

1-2.1.20 — Optical Goods

1-2.1.21 — Hardware Store

1-2.2 — Beauty and Barber Shop

1-2.3 — Apparel Repair and Alterations and Shoe Repair Shop

1-2.4 — Finance, Insurance, Real Estate Services and Travel Agencies.

1-2.5 — Medical and Other Health Services

1-2.6 — Legal, Engineering, Architectural, Educational and Scientific Research, Accounting, Auditing and Bookkeeping and Community Planning Services.

1-2.7 — Day-Care Center, Nursery and Other Private Schools

1-2.8 — Art, Dance or Music Studios.

1-2.9 — Printing and Photocopying Store

1-2.10 — Accessory Structures and Uses

1-2.10.1 — Uses and structures customarily incidental to the above.

1-2.10.2 — Signs as permitted and regulated by this ordinance.

1-2.10.3 — Off-street parking, loading and stacking, spaces or structures as permitted and regulated by this ordinance.

1-2.10.4 — Landscaping as required by this ordinance.

1-2.10.5 — 50% of the allowed square footage may be used for residential development.

1-3 — Design Regulations

1-3.1 — Maximum Lot Area - one (1) acre

1-3.2 — Minimum Lot Width - 50 feet

1-3.3 — Minimum yards for structures, parking, loading and stacking areas:

(See chart #3)

1-3.4 — Maximum Building Height - 30 feet

1-3.5 — Maximum Lot Coverage - as uses, yard, and off-street parking, loading and stacking, and landscaping requirements permit.

1-3.6 — Enclosure:

All principal and accessory uses, except signs, landscaping and off-street parking, loading and stacking, shall be conducted within completely enclosed structures.

Section 2 — General Business (GB)

2-1 — Intent

To provide areas within the Town for the location of commercial uses which serve community-wide needs for general goods and services and comparison shopping. Such uses require larger land areas, generate large volumes of traffic and may generate large amounts of evening activity.

2-2 Permitted Uses

2-2.1 — Principal Structures and Uses

2-2.1.1 — Any Structure and/or use permitted in the Neighborhood Business (NB) District.

2-2.1.2 — Department Store/Supermarket

2-2.1.3 — Variety Store

2-2.1.4 — Furniture Store

2-2.1.5 — Household Fixture and Appliance Sales and/or Services

2-2.1.6 — Hardware, Plumbing and Lawn/Garden Sales and/or Services

2-2.1.7 — Wholesale Store, Catalog Sales

2-2.1.8 — Motels and Hotels

2-2.1.9 — Commercial Recreation Activities

2-2.1.10 — Shops for custom work for the making of articles to be sold at retail on the premises provided that such activity shall not produce offensive odors, noise, vibration, heat, glare or dust.

2-2.1.11 — Veterinarian Office, Animal Hospital and Kennel.

2-2.1.12 — Funeral Home

2-2.1.13 — Retail Services

2-2.1.14 — Bar/Tavern

2-2.2 — Accessory Structures and Uses

2-2.2.1 — Uses and structures customarily incidental to the above.

2-2.2.2 — Signs as permitted and regulated by this ordinance.

2-2.2.3 — Off-street parking, loading and stacking spaces or structures as permitted and regulated by this ordinance.

2-2.2.4 — Landscaping as required by this ordinance.

2-2.2.5 — Gasoline dispensing islands may be permitted in conjunction with mini-market uses. Only one dispensing point shall be permitted per 300 sq. ft. of retail floor area.

2-3 Design Regulations

2-3.1 — Minimum Lot Area - none

2-3.2 — Minimum Lot Width - none

2-3.3 — Minimum Yards for Structures, Parking, Loading and Stacking Areas:

(See chart #4)

2-3.4 — Minimum Interior Building Separation - 30 feet

2-3.5 — Maximum Building Height - 35 feet

2-3.6 — Maximum Lot Coverage - as uses and requirements of yard, off-street parking, loading/stacking area, and landscaping permit.

2-3.7 — Enclosure

All principal and accessory uses, except signs, landscaping and off-street parking, loading and stacking shall be conducted within completely enclosed structures.

Section 3 — Commercial and Motor Service (CMS)

3-1 — Intent

To provide areas within the Town for the location of commercial uses meeting community-wide needs for specialized goods and services and transportation oriented commercial uses designed to meet the needs of motorists and related vehicular needs.

3-2 — Permitted Uses

3-2.1 — Principal Structures and Uses

3-2.1.1 — Laundering, Dry Cleaning and Dyeing Services.

3-2.1.2 — Electrical and Household Appliance Repair Services

3-2.1.3* — Contracting or Construction Services including building, carpentry, electrical, masonry, plumbing, ornamental iron, heating, ventilating, air conditioning, painting, roofing and sheet metal, packing and crating, and monument works.

3-2.1.4 — Lumber and Other Building Materials and Services

3-2.1.5* — Warehousing and Storage Services

3-2.1.6 — Job and newspaper printing except web printing

Chart #3

| YARD | STRUCTURES (in feet) | PARKING, LOADING & STACKING AREA (in feet) |
|---|-------------------------|--|
| Front, from right-of-way of a dedicated street | 60 | 20* |
| Side and Rear, abutting a residential district | 50 | 25* |
| Side and Rear, abutting a non-residential district | 25 | 10* |

*the entire area must be landscaped.

Chart #4

| YARD | HEIGHT OF STRUCTURE (feet) | | PARKING, LOADING & STACKING AREAS (in feet) |
|---|---|----------------|--|
| | 30 feet or less | Over 30 feet** | |
| Front, from right-of-way of a dedicated street | 60 | 75 | 25* |
| Side and rear, abutting a residential district | 50 | 75 | 25* |
| Side, abutting a non-residential district | None, at if separated a minimum of 10 feet | 25 | 10* |
| Rear, abutting a non-residential district | 15 | 25 | 10* |

*the entire area must be landscaped.

Town of Lancaster — Zoning Ordinance

3-2.1.7* — Business services including sign company, window cleaning and other dwelling and building services and equipment sales and rental.

3-2.1.8* — Gasoline Service Stations

3-2.1.9 — Tire, Battery and Accessories
3-2.1.10* — Automobile, Farm Equipment, and Trailer Sales, Rental, Repair and Services

3-2.1.11* — Motor Vehicle Washings

3-2.1.12 — Restaurants, sitdown/takeout

3-2.1.13 — Motels and Hotels

3-2.1.14 — Farms and Garden Supplies and Nursery for sale of plants, shrubs, and trees.

*Special Use Permit required.

3-2.2 — Accessory Structures and Uses

3-2.2.1 — Uses and structures customarily incidental to the above.

3-2.2.2 — Signs as permitted and regulated by this ordinance.

3-2.2.3 — Off-street parking, loading and stacking spaces or structures as permitted and regulated by this ordinance.

3-2.2.4 — Landscaping as required by this ordinance.

3-3 — Design Regulations

3-3.1 — Minimum lot area - 1 acre

3-3.2 — Minimum width of lot abutting a dedicated street - 100 feet.

3-3.3 — Minimum yards for structures, parking, loading and stacking areas:

| YARD | STRUCTURES (in feet) | PARKING, LOADING & STACKING AREA (in feet) |
|--|-------------------------|--|
| Front, from right-of-way of a dedicated street | 60 | 20* |
| Side and Rear, abutting a residential district | 50 | 25* |
| Side and Rear, abutting a non-residential district | 25 | 10* |

*the entire area must be landscaped.

3-3.4 — Minimum Interior Building Separation - 30 feet

3-3.5 — Maximum Structure Height - 35 feet

Section 4 — Shopping Center (SC)

4-1 — Intent

To provide areas within the Town for the development of compatible business facilities designed and planned as a unified entity with common off-street parking to jointly serve all establishments.

4-2 — Permitted Uses

4-2.1 — Principal Structures and Uses
4-2.1.1 — Any structure or use permitted in the Neighborhood Business (NB) or General Business (GB) Districts.

4-2.1.2 — Attached Dwelling Units - as permitted and regulated in the MFR-4 District.

4-2.2 — Accessory Structures and Uses

4-2.2.1 — Uses and structures customarily incidental to the above.

4-2.2.2 — Storage of goods and processing operations clearly incidental to the above principal uses.

4-2.2.3 — Signs as permitted and regulated by this ordinance.

4-2.2.4 — Off-street parking, loading and stacking spaces or structures as permitted and regulated by this ordinance.

4-2.2.5 — Landscaping as required by this ordinance.

4-3 — Design Regulations

4-3.1 — Minimum Lot Area - 5 acres.

4-3.2 — Minimum Width of lot abutting a dedicated street - 100 feet.

4-3.3 — Minimum yards for structures, parking, loading and stacking areas:

(See chart #5)

4-3.4 — Interior Minimum Building Separation - 30 feet.

4-3.5 — Maximum Structure Height - 35 feet.

4-3.6 — Maximum Lot Coverage - as uses, yard, off-street parking, loading and stacking and landscaping requirements permit.

4-3.7 — Enclosure

All principal and accessory uses, except signs, landscaping and off-street parking and loading and stacking, shall be conducted within completely enclosed structures.

4-3.8 — The distance between buildings and parking, loading and stacking areas from the right-of-way of a dedicated interior street shall be fixed as a part of the site plan approval.

Section 5 — Residential Commercial Office District (RCO)

5-1 — Intent

To provide areas within the Town for the location of commercial and office uses which are not necessarily related to retail trade.

5-2 — Permitted Principal Uses of Structures

5-2.1 — Office building and offices.

5-2.2 — Banks and drive-in bank facilities.

5-2.3 — Funeral parlors and mortuaries, with attendant or owner apartment.

| YARD | STRUCTURES (in feet) | PARKING, LOADING & STACKING AREA (in feet) |
|--|-------------------------|--|
| Front, from right-of-way of a dedicated street | 60 | 20* |
| Side and Rear, abutting a residential district | 50 | 25* |
| Side and Rear, abutting a non-residential district | 25 | 10* |

*the entire area must be landscaped.

5-2.4 — Art, dance, music or photographic studio or the like which owns or leases space in an office building or office complex.

5-2.5 — Nursing or convalescent home.

5-2.6 — Dwelling units as permitted and regulated in the R-1 and R-2 Districts.

5-3 — Permitted Accessory Uses of Structures

5-3.1 — Retail stores and services, occupying not more than fifteen percent (15%) of the gross floor area of any one (1) building or division thereof, excluding outside display or retail sales.

5-3.2 — Off-street parking as permitted and regulated by this ordinance.

5-3.3 — Signs as permitted and regulated by this ordinance.

5-3.4 — Yard and setback requirements as permitted and regulated in "R-2 District."

5-3.5 — Area, bulk and height requirements as permitted and regulated by Neighborhood Business District.

Section 6 — General Provisions

6-1 — Side Yard on Corner Lots:

The shorter line abutting streets on a corner lot is the front lot line. The width of the side yard on the street shall be not less than the front and the interior side yard shall comply with the minimum regulations for the district.

6-2 — Lighting

Lighting facilities shall be arranged so that adjoining properties and streets are protected from glare and hazardous interference of any kind. In no instance shall lighting standards exceed twenty-five (25) feet in height.

6-3 — Enclosure of Waste Materials

All waste materials, including garbage and trash, shall be stored in covered containers in a screened or enclosed area.

6-4 — Supplemental Front Yard Regulations in Neighborhood Business (NB), General Business (GB) and Residential Commercial/Office (RCO) Districts.

Where 50% or more of the aggregate street frontage on one (1) side of a street between two (2) successive intersecting streets is occupied by buildings of the type and use permitted in the district, the minimum front yard of a lot to be developed shall be the average setback distance of existing buildings on the lots on either side.

6-5 — Minimum Building Separations

Except where a greater requirement has been established under the regulations for the district, separated buildings within the Business Districts shall not be located within ten (10) feet of each other.

6-6 — Outdoor Display of Merchandise

Outdoor display of merchandise is allowed as an accessory use in all Business Districts, except R/C/O, but not within the yards required for parking, loading and stacking areas.

6-6.1 — Seasonal fruit and vegetable stands requiring any structure shall be required to obtain a building permit.

6-6.2 — Seasonal fruit and vegetable sellers or any other hawker or peddler type use operated from the rear of a vehicle or trailer shall be required to obtain a license as required under the Town codes.

PART V

INDUSTRIAL DISTRICTS

Section 1 — Light Industrial District (LI)

1-1 — Intent

To provide areas within the Town for the location of light manufacturing activities and related production activities on sufficient land to permit efficient development. Such districts will be designed and located in such a way that they will neither encroach upon surrounding uses nor will surrounding uses interfere with the efficient development of a balanced employment mix within the Town or improve the tax base thereof.

1-2 — Permitted Uses

1-2.1 — Principal Structures and Uses

1-2.1.1 — Any structure and/or use permitted in the Commercial/Motor Service District (CMS), except that Part IV, Section 3, Subsections 3-2.1.8 through 3-2.1.11 shall require a Special Permit.

1-2.1.2 — Administrative and General Offices

1-2.1.3 — Research-Development Facilities:

Experimental, research and testing facilities; including, but not limited to the construction and operation of small scale experimental and pilot plant operations; production operations if ancillary to, or resulting from, a permitted experimental, research or testing operation.

1-2.1.4 — Compounding, Manufacturing and Assembly of:

A. Electrical equipment and appliances.

B. Household items, furniture and furnishings, office equipment furniture and furnishings.

C. Musical, scientific, medical, dental and photographic instruments, equipment and supplies.

D. Recreational equipment and toys.

E. Clothing and other textile products.

F. Pharmaceutical products, cosmetics, and toiletries.

G. Panels, sheets, tubes and rods, machining, extrusions, castings.

H. Automobile and boating accessories from previously prepared materials.

I. Web Printing, Book Binders and Engraving.

J. Food and beverage products.

1-2.1.5 — Warehousing and distribution centers.

1-2.2 — Accessory Structure and Uses

1-2.2.1 — Uses and structures customarily incidental to the above.

1-2.2.2 — Storage of raw materials used in production and finished products.

1-2.2.3 — Retail sale of products manufactured, compounded or assembled on the premises, occupying not more than 15% of the gross floor area of the principal structures.

1-2.2.4 — Signs as permitted and regulated by this ordinance.

1-2.2.5 — Off-street parking, loading and stacking spaces or structures as permitted and regulated by this ordinance.

1-2.2.6 — Landscaping as required by this ordinance.

1-3 — Design Regulations

1-3.1 — Minimum Lot Area - 1 acre.

1-3.2 — Minimum Lot Width - 100 feet.

1-3.3 — Access:

Buildings and land shall either abut a dedicated street or be arranged in groups or clusters so that groups or clusters abut a dedicated street for the required lot width provided:

1-3.3.1 — Each building is accessible by means of a private drive for service and emergency vehicles.

1-3.3.2 — The standards of design and construction for private streets meet applicable Town specifications for public streets unless modified by the approved site plan.

1-3.3.3 — The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.

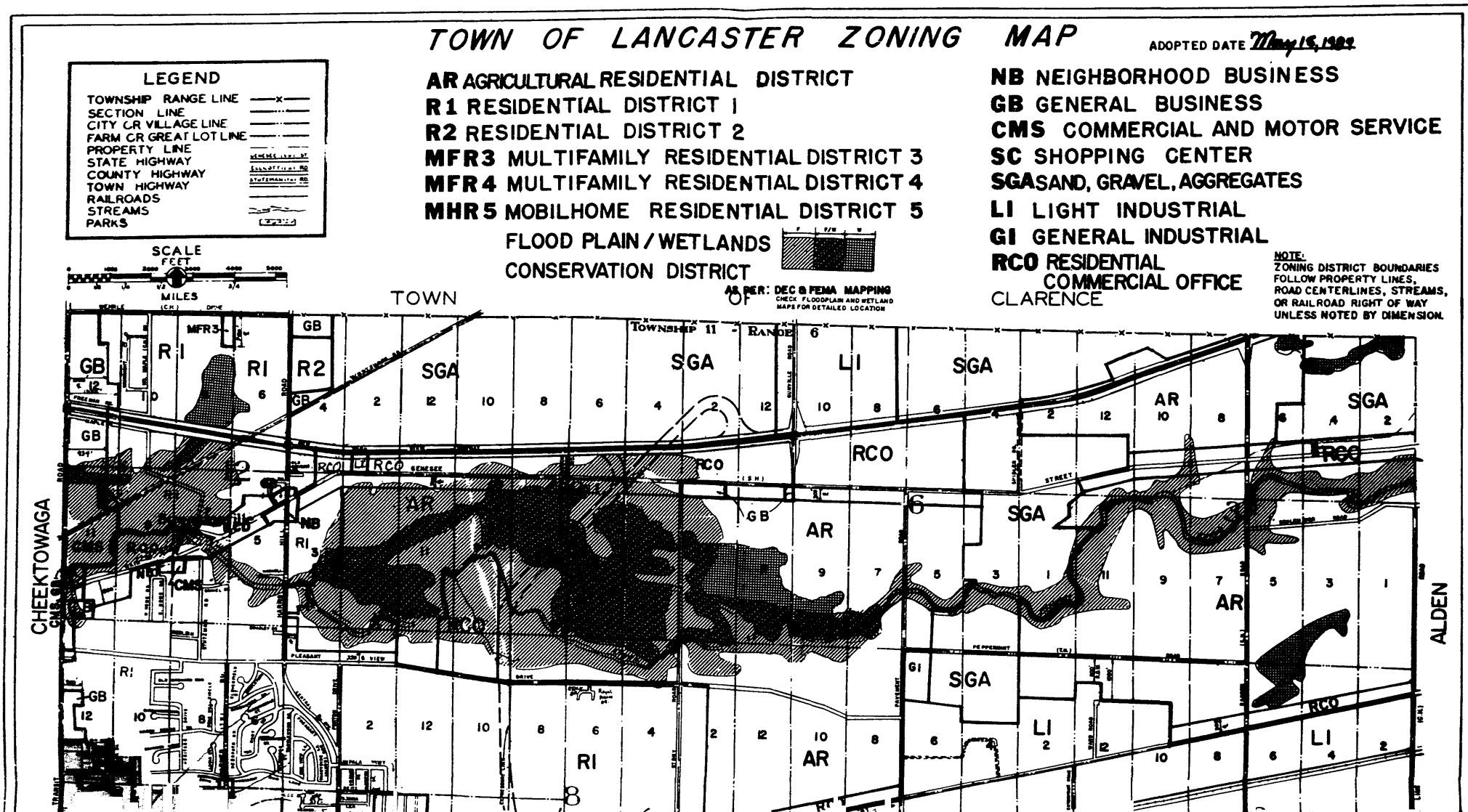
1-3.3.4 — The procedures for the preservation and maintenance of all private drives and pedestrian ways comply with all applicable laws.

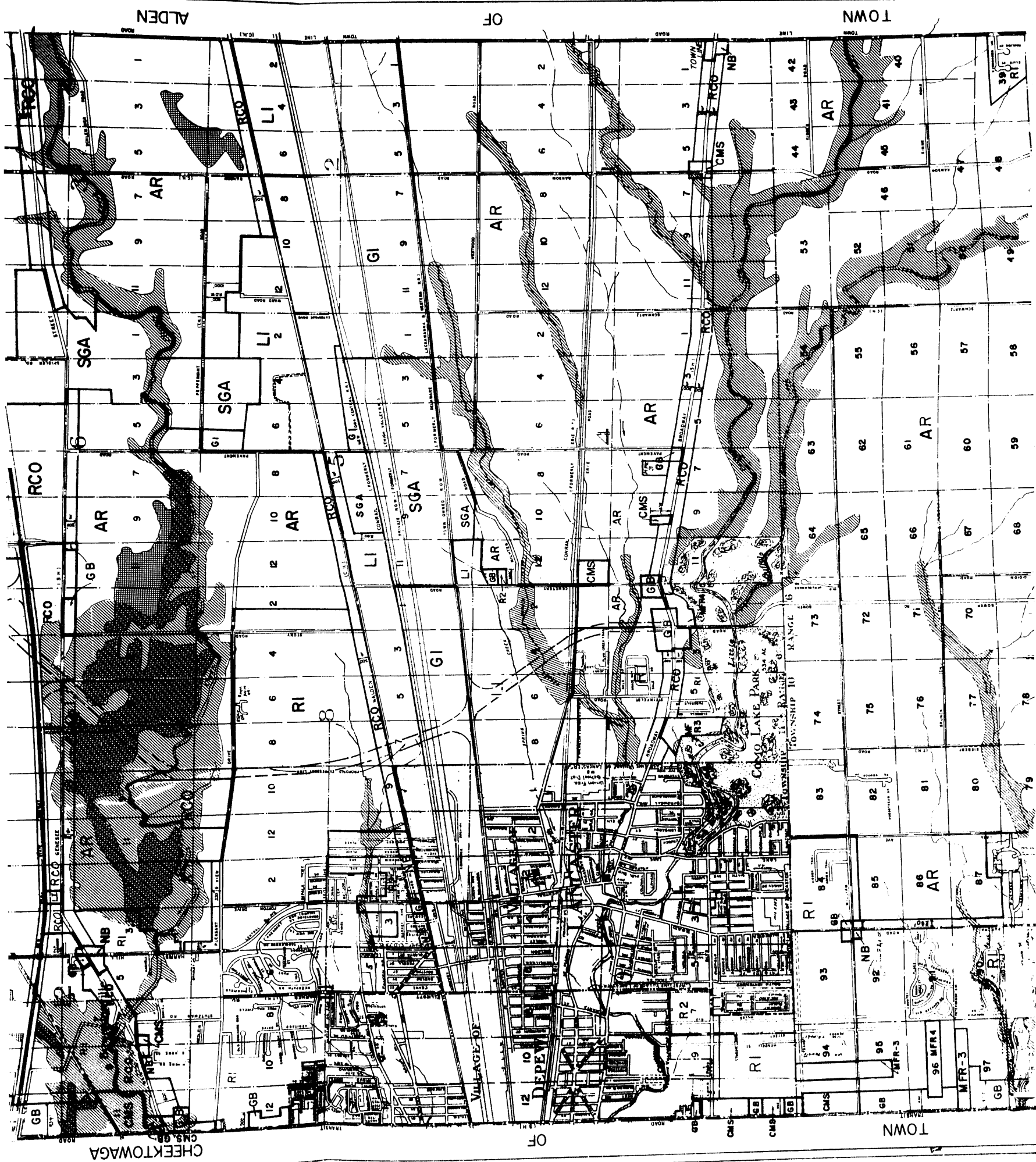
1-3.4 — Enclosure: All manufacturing or processing activities shall be completely enclosed in buildings.

Chart #5

| YARD | STRUCTURES (in feet) | PARKING, LOADING & STACKING AREA (in feet) |
|---|-------------------------|--|
| Front, Side and Rear, from right-of-way of a dedicated perimeter street | 150 | 50* |
| Front, Side and Rear, abutting a residential district | 100 | 50* |
| Side and Rear, abutting a non-residential district | 50 | 25* |

*the entire area must be landscaped





1-3.5 — Outdoor Storage is not permitted in any front yard.

Outdoor storage may be permitted in a side or rear yard abutting a residential district or other yard abutting a front yard of an adjacent parcel. Permitted outdoor storage areas shall be screened from adjacent parcels; shall not exceed 16' in height or be closer than 50 feet from any property line.

1-3.6 — Minimum yards for structures and parking, loading and stacking areas:

2-2.1.12 — Metal casting and foundry products

2-2.1.13 — Adult Entertainment - by Special Use Permit

2-2.2 — Accessory Structures and Uses

2-2.2.1 — Uses and structures customarily incidental to the above.

2-2.2.2 — Signs as permitted by this ordinance.

2-2.2.3 — Off-street parking, loading and stacking spaces or structures as

2-3.3.1 — Each building is accessible by means of a private drive for service and emergency vehicles.

2-3.3.2 — The standards of design and construction for private streets meet applicable Town specifications for public streets unless modified by the approved site plan.

2-3.3.3 — The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.

2-3.3.4 — The procedures for the preservation and maintenance of all private streets and pedestrian ways comply with all applicable laws.

2-3.4 — Minimum Yards for structures and parking, loading and stacking areas:

(See chart #6)

2-3.5 — Interior Minimum Building Separation - 30 feet

2-3.6 — Maximum Lot Coverage - as uses and requirements of yard, off-street parking, loading/stacking areas, and landscaping permit.

2-3.7 — Maximum Structure Height - 65 feet.

2-3.8 — Junkyard Standards

2-3.8.1 — Location - Not less than 500 feet from any residential district and not less than 300 feet from any business district.

2-3.8.2 — Enclosures - A fully enclosed building shall be provided for the housing and treatment of paper, rags, cloth and other fibers.

2-3.8.3 — Fencing - All junkyard material and activities not within fully enclosed buildings shall be surrounded by a solid, stable fence or wall eight (8) feet in height.

2-3.8.4 — Safety - Storage piles shall be so maintained as to not create a safety hazard.

2-3.8.5 — No storage of material shall be allowed within a required yard.

2-3.8.6 — Any required screen fence shall be placed so that the required yard is outside such fence.

2-3.9 — Adult Entertainment Standards, ALSO SEE LOCAL LAW

2-3.9.1 — Intent - In order to promote the health, safety, morals and general welfare of the residents of the Town, this section is intended to restrict adult uses to non-residential, non-business and non-commercial areas of the Town, and otherwise regulate their operation, while providing for the location of same within the Town. Moreover, in that the operational characteristics of adult uses increases the deleterious impact on a community when such uses are concentrated, this Section is intended to promote the health, safety, morals, general welfare, and good order of the residents of the Town by regulating the concentration of such uses.

2-3.9.2 — Permitted Uses - Principal structures and uses - Retail sales only

A. — Adult Book Stores

B. — Adult Motion Picture Theatres

C. — Adult Mini-Motion Pictures Theatres

D. — Businesses licensed to sell beer, wine and/or liquor in which nude or semi-nude performers or employees are employed.

D. — Massage Parlors

F. — Adult Retail Novelty Shop

2-3.9.3 — Design Regulations

A. — Minimum Lot Area - 2 acres

B. — Minimum Lot Width - None

C. — Minimum Yards for structure, parking, loading and/or stacking.

(See chart #7)

D. — Maximum Building Height - 12 feet

E. — Maximum Lot Coverage - as uses and requirements of yard, off-street parking, loading/stacking areas, and landscaping permit.

F. — Enclosure - all principal and accessory uses, except signs, landscaping and off-street parking shall be conducted within a completely enclosed structure.

2-3.9.4 — General Provisions - The following provisions apply to all Adult Entertainment Uses unless otherwise indicated and shall supersede conflicting regulations for this district.

A. — Any Adult Entertainment Uses shall be permitted provided that any property line of use shall:

1. Not be any closer than 1000 feet from any residential district.

2. Not be any closer than 1500 feet from any place of public assembly.

3. Not be closer than 500 feet from any other Adult Entertainment Use Establishment.

B. — Prohibition Regarding Public Observation - No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

2-3.9.5 — Special Use Permit

A. — No use as described in this Section shall be established until the issuance of a special use permit by the Town Board. Application for such a special use permit shall be in writing to the Town Board and shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed, and stating specifically that juveniles shall be prohibited from entering the premises, and such additional information as shall be required by the Town Board.

B. — The Town Board shall call a public hearing for the purpose of considering the request for a special use permit. At least ten (10) days notice of the time and place of public hearing shall be given by the publication of a notice in a newspaper of general circulation in the Town indicating the general nature of the public hearing and the fact that those persons interested therein may be heard at the time and place of such a hearing.

| YARD | HEIGHT OF STRUCTURE (feet) | | PARKING, LOADING & STACKING AREA (in feet) |
|--|----------------------------|----------------|--|
| | 30 feet or less | Over 30 feet** | |
| Front, from right-of-way of a dedicated street | 40 | 75 | 25* |
| Side and rear, abutting a residential district | 50 | 75 | 50* |
| Side and rear, abutting a non-residential district | 15 | 25 | 10* |

*the entire area must be landscaped.

**Special Use Permit required.

1-3.7 — Interior Minimum Building Separation - 30 feet.

1-3.8 — Maximum Lot Coverage - as uses and requirements of yard, off street parking, loading/stacking areas, and landscaping permit.

1-3.9 — Maximum Structure Height - 65 feet.

Section 2 — General Industrial District (GI)

2-1 — Intent

To provide areas within the Town for the location of medium manufacturing and processing facilities as well as office, research, and service establishments where compatible industries will be located in an organized manner so as to insure the efficient development of the industrial use and compatibility with adjacent districts. Such districts are designed to encourage the development of a balanced employment mix within the Town and to improve the tax base thereof.

2-2 — Permitted Uses

2-2.1 — Principal Structures and Uses

2-2.1.1 — Principal structures and uses permitted in the Light Industrial District (LI).

2-2.1.2 — Principal structures and uses permitted in the Commercial/Motor Service District (CMS), except that Part IV, Section 3, Subsection 3-2.1.8 through 3-2.1.11 shall require a Special Permit.

2-2.1.3 — The manufacture, compounding, assembling, and/or treatment of articles or merchandise from previously prepared materials.

2-2.1.4 — Other industrial processes: blending, mixing and packaging of disinfectants, insecticides, fungicides, ink, soap, detergents, and related household and industrial chemical compounds, but excluding the preparation of any primary acids or other primary chemicals.

2-2.1.5 — Outdoor Storage as permitted except in any front yard and in any front, side or rear yard abutting a residential district or other yard abutting a front yard of an adjacent parcel. Permitted Outdoor storage areas shall be screened from adjacent parcels.

2-2.1.6 — Automobile Junkyards - by Special Use Permit

2-2.1.7 — Incinerator - by Special Use Permit

2-2.1.8 — Railroad Freight Yard

2-2.1.9 — Concrete products mixing and manufacturing

2-2.1.10 — Storage of petroleum and petroleum products

2-2.1.11 — Processing or treatment of bituminous products

permitted and regulated by this ordinance.

2-2.2.4 — Landscaping as required by this ordinance.

2-2.2.5 — Retail sale of products manufactured, compounded or assembled on the premises, occupying not more than 15% of the gross floor area of the principal structure.

2-3 — Design Regulations

2-3.1 — Minimum Lot Area - 1 acre

2-3.2 — Minimum Lot Width - 100 feet

2-3.3 — Access:

Buildings and land shall either abut a dedicated street or can be arranged in groups or clusters so that groups or clusters abut a dedicated street for the required lot width provided:

Chart #6

| YARD | HEIGHT OF STRUCTURE (feet) | | PARKING, LOADING & STACKING AREA (in feet) |
|--|----------------------------|----------------|--|
| | 30 feet or less | Over 30 feet** | |
| Front, from right-of-way of a dedicated street | 40 | 75 | 25* |
| Side and rear, abutting a residential district | 50 | 75 | 50* |
| Side and rear, abutting a non-residential district | 15 | 25 | 10* |

*the entire area must be landscaped.

**Special use permit required

Chart #7

| YARD | STRUCTURE (feet) | PARKING, LOADING AND/OR STACKING |
|--|------------------|----------------------------------|
| Front, from right-of-way of a dedicated street | 112 | 50* |
| Side, abutting a non-residential district | 112 | 50* |
| Rear, abutting non-residential street | 112 | 50* |
| Side and rear, abutting a residential district | Not Permitted | |

NOTE: * Entire area shall be landscaped with conifer and deciduous trees in equal proportions at spacing not more

than 25 feet on center. Trees shall have a minimum caliper of 2 1/2 in. at one foot above finished grade.

A special use permit issued under the provisions of this section shall not be transferable.

2-3.9.6 — Definitions: As used in this subsection, the following terms shall have the meanings indicated:

A. — Adult Bookstore - an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on the premises, by the use of motion picture devices or any other coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

B. — Adult Entertainment Cabaret - a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or bottomless dancers, strippers, male or female impersonators or similar entertainers, or employees appearing in a bottomless and/or topless manner of dress.

C. — Adult Mini-Motion Picture Theatre - an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

D. — Adult Motion Picture Theatre - an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

E. — Bottomless - any manner of dress in which a person appears with less than completely and opaquely covered human genitals and/or pubic region.

F. — Person - Any person, firm, partnership, corporation, association or legal representative acting individually or jointly.

G. — Specified Anatomical Areas

1. Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

H. — Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

4. Acts of a nature involving the sexual touching of humans and animals.

I. — Topless - any manner of dress in which a female appears with the breast region exposed below a point immediately above the top of the areola.

J. — Massage Parlor - any place where for any form of consideration or gratuity, massage, alcohol rub, administration of formentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities," or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."

Section 3 Sand Gravel and Aggregates District (SGA)

Intent

To provide areas within the town for the excavation and/or quarrying of stone, sand gravel topsoil and other non-

metallic minerals (except fuel) on sufficient land areas so as not to encroach upon adjacent properties and also to allow efficient use of said lands and to establish minimum standards for the reclamation of lands excavated.

3-2 — Permitted Uses

3-2.1 — Principal Structures and Uses
3-2.1.1 — Excavations as permitted and regulated by Chapter 18 of the Town of Lancaster Code entitled "Excavations" and including all amendments thereto.

3-2.1.2 — Cement mixing and/or concrete products manufacturing.

3-2.1.3 — Bituminous products manufacture but only such products which incorporate the use of aggregates for paving purposes.

3-2.1.4 — Sanitary landfill subject to a special use permit issued by the Town Board only after public hearings advertised in the manner prescribed by law.

3-2.1.5 — Stone crushing and/or washing operations

3-2.2 — Accessory Structures and Uses
3-2.2.1 — Structures and uses customarily incidental to the above.

3-2.2.2 — Signs as permitted and regulated by this ordinance.

3-2.2.3 — Off-street parking, loading and stacking spaces or structures as permitted and regulated by this ordinance.

3-2.2.4 — Landscaping and/or buffering as required by this ordinance.

3-3 — Design Regulations

3-3.1 — Minimum lot area - 5 acres

3-3.2 — Minimum lot width - none

3-3.3 — Outdoor storage is permitted except in the front, side, or rear yard abutting a residential district. Permitted outdoor storage areas shall be screened from adjacent parcels.

3-4.4 — Minimum Yards for Uses and Structures and parking, loading and stacking areas:

See parking regulations.

*Must be screened from any residential district.

3-3.5 — Maximum structure height 65 feet with the exception of radio/TV towers by Special Use Permit granted by the Town Board.

3-3.6 — Excavation standards

3-3.6.1 — All equipment used shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise vibration, or dust which are injurious or annoying to persons living in the vicinity.

3-3.6.2 — No production from a hardrock open pit shall be permitted which undercuts the overhang, a sand or gravel pit side slope shall assume the normal slope of repose for the material being excavated.

3-3.6.3 — Property to be used for the mining, quarrying, excavating process and/or stockpiling of materials may be enclosed along the exterior boundaries thereof by a fence when prescribed by the planning board.

3-3.6.4 — Whenever production on any property shall have been abandoned for nine (9) months, or completed, then all buildings, structures (except fences) and equipment shall be entirely removed within one (1) year of completion or abandonment.

3-3.6.5 — Reclamation plans shall be subject to the provisions for site plan review:

A. — Any existing operation covered by this section which has been closed down or abandoned shall within one (1) year begin reclamation procedures.

B. — Any new permitted operations covered by this section shall file a reclamation plan for approval prior to commencement of any mining, quarrying or removal operations.

C. — All existing quarrying, mining, or removal operations shall file a copy of the state-required permit within one (1) year of passage of this ordinance, a reclamation plan for all pits, mines, stripped areas, etc. covered by this ordinance.

Section 4 — General Provisions

4-1 — Supplementary Height Regulations

Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified provided such mechanical space is set back a minimum of 15 feet from any exterior wall, does not exceed 15 feet in height, and is screened from view.

4-2 — Boundary Treatment where Adjoining a Residential Area

Fences, walls, plantings or other screening materials shall be provided.

4-3 — Incineration Facilities

Incineration facilities emitting neither smoke nor odor may be provided. No garbage, rubbish, waste matter, or empty containers shall be permitted outside of buildings.

4-4 — Performance Standards

Any use established in a Light Industrial, General Industrial or Sand Gravel and Aggregates District after the effective date of this ordinance shall comply with the performance standards set forth hereinafter for the district in which such use shall be located as a precedence to occupancy and use. Any use already established in such districts shall not be altered, added to or otherwise modified so as to conflict with, or further conflict with the performance standards set forth hereinafter for the district in which such use is located as a precedence to further use. The Town may select and arrange for an independent survey by a person qualified in the particular field, to determine whether or not any structure or use complies with the performance standards and the costs for the services shall be paid by the owner or user.

4-4.1 — Dust - Smoke

The emission of smoke, soot, fly ash fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity deposited shall not be detrimental to or endanger the public health, safety, comfort, welfare or adversely affect property values.

4-4.2 — Glare and Heat

Any operation producing glare or heat shall be conducted in such a manner so that the glare or heat shall be imperceptible from any point along a lot line.

4-4.3 — Fire and Explosive Hazards

The handling, use and non-bulk storage of flammable and combustible materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices standard to the operation involved, as determined by the Town Board.

4-4.4 — Fissionable, Radioactive or Electrical Disturbance

No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground or sewage systems, and no activities shall be permitted which emit electrical disturbance affecting the operation or any equipment other than that of the creator of such disturbance.

4-4.5 — Liquid Wastes

All liquid waste disposal shall conform to county, state and federal standards.

4-4.6 — Noise

The sound pressure level as measured at the edge of a lot and which is produced by a mechanical, electrical or vehicular operation on the lot, where said lot is adjacent to a residential area, shall not exceed the average intensity of the street traffic noise in that residential area. In any event, no sound shall have objectionable intermittence, volume, beat frequency or shrillness characteristics.

4-4.7 — Odorous Matter

The emission of odorous matter so as to produce a public nuisance beyond the lot

occupied by the use shall not be permitted.

4-4.8 — Toxic or Noxious Matter

The emission of toxic, noxious or corrosive fumes or gases which would be injurious to property, vegetation, animals, or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.

4-4.9 — Vibration

Every use shall be so operated that consistent ground vibration inherently and recurrently generated by said use is not perceptible without instruments, at any point along any property line of the lot on which the use is located.

4-4.10 — Side Yard on Corner Lots

Refer to Part II, Section 15-1.2

PART VI Reserved

PART VII

REGULATIONS APPLYING TO ALL DISTRICTS

Section 1 — Off Street Parking, Loading and Stacking Facilities

1-1 — Intent

Off-street parking, loading and stacking requirements and regulations are established in order to achieve the following purposes:

1-1.1 — To relieve congestion so that streets can be utilized more fully for movement of vehicular traffic;

1-1.2 — To promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;

1-1.3 — To protect adjoining residential neighborhoods from on-street parking;

1-1.4 — To promote the general convenience, welfare, and prosperity of business, service, research, production and manufacturing developments which depend upon off-street parking facilities;

1-1.5 — To insure that parking facilities are designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and development as an integral part of an overall site design; and

1-1.6 — To provide regulations and standards for the development of off-street parking, loading and stacking facilities in accordance with the objectives of the Town's Comprehensive Plan.

1-2 — Scope of Regulations

Off-street parking, loading and stacking facilities shall be provided as a condition precedent to occupancy of all buildings:

1-2.1 — Whenever a new building is constructed or new use established;

1-2.2 — Whenever an existing building is altered and there is an increase in the number of building units, seating capacity or floor area of the building;

1-2.3 — Whenever an existing building is changed to more intensive use requiring more off-street parking, loading or stacking facilities.

1-3 — Continuation of Facilities

Off-street parking, loading and stacking facilities in existence on the effective date of this Ordinance, and those required shall be continued and maintained in operation, and shall not be reduced below the requirements of this Ordinance during the period that the principal use is maintained, unless an equivalent number of spaces shall be provided for said use in another location approved by the Building Inspector.

1-4 — Units of Measurement

1-4.1 — Employees:

Whenever parking requirements are based on the number of employees, employees shall mean the maximum number of employees on duty on the premises at one time or any two, successive shifts, whichever is greater.

1-4.2 — Net Floor Area:

The total floor area less permanent concourses, stair halls, lobbies, elevator shafts, areas permanently devoted to warehousing and rooms housing equipment servicing the entire building.

1-4.3 — Fractional Requirements:

When units of measurement used in computing the number of required off-street parking, loading and stacking spaces result in the requirement of a fractional space, the nearest whole number of off-street parking spaces shall be required.

1-4.4 — Gross Floor Area:

The total floor area of a building; where the basement or cellar is not used for any activity, that area shall not be counted.

1-4.5 — Seating Capacity

The number of seating units installed or indicated on plans. Seating capacity shall not be less than one (1) unit per 15 square feet of floor area.

[1-4.6 — Parking Space - as required in section 1-6]

1-5 — Schedule of Parking and Stacking Requirements

1-5.1 — Minimum Parking Requirements

Off-street parking facilities shall be provided in quantities not less than set forth in the following schedules: (*Handicapped Parking as required by the N.Y.S.D.M.V.)

1-5.1.1 — Auditoriums, gymnasiums, theaters, and other places of public assembly, other than banquet halls - 1 space per 5 seats.

1-5.1.2 — Bowling Alley - 6 spaces per alley

1-5.1.3 — Church, synagogue, or any other place of public worship - 1 space per 4 seats

1-5.1.4 — Convalescent or Nursing Home - 1 space per 3 beds

1-5.1.5 — Dormitory, Fraternity, Sorority House - 1 space per 2 occupants

1-5.1.6 — Dwelling - 2 spaces per dwelling unit

1-5.1.7 — Dwellings for elderly persons - 1 space per dwelling unit

1-5.1.8 — Furniture, Home Furnishings and Equipment Sales - 1 space per 700 sq. ft. of net floor area

1-5.1.9 — Hospitals - 2.5 spaces per bed

1-5.1.10 — Hotels, Motels, Tourist Houses - 1 space per guest room and conference unit, plus 1 space per 6 seats for restaurant/bar area

1-5.1.11 — Industrial Plants, Wholesale Distributors, Laboratories, General Commercial and Other Services, Machine Shop - 1 space per employee

1-5.1.12 — Library, Museum, or Art Gallery - 1 space per 300 sq. ft. of gross floor area

1-5.1.13 — Medical and Dental Clinics and Offices - 1 space per 100 sq. ft. of net floor area

1-5.1.14 — Mobile Home Lot - 2 spaces per mobile home lot

1-5.1.15 — Mortuaries or Funeral Homes - 15 spaces per parlor

1-5.1.16 — Offices, not otherwise specified - 1 space per 200 sq. ft. of net floor area

1-5.1.17 — Private Club or Lodge - As required for assembly and restaurant facilities therein

1-5.1.18 — Public and Semi-Public Buildings, including government buildings - 1 space per 200 sq. ft. of net floor area devoted to office use or as required for assembly areas therein, whichever is higher

1-5.1.19 — Retail Stores and Service, not a part of a shopping center:

A. Food - less than 4000 sq. ft. of net floor area - 8 spaces per 1000 sq. ft., minimum 5 spaces

B. Other - 5.5 spaces per 1000 sq. ft. of net floor area

1-5.1.20 — Restaurant/Bar and Banquet Hall - 1 space per 3 seats and 1 space per 100 sq. ft. for customer self-service or take-out area

1-5.1.21 — Restaurants, Take-out Service only - 1 space per 10 sq. ft. of gross floor area

1-5.1.22 — Roadside Stands - minimum 3 spaces

1-5.1.23 — Schools - public and private, nursery and primary - 2 spaces per classroom, plus spaces required for assembly area

1-5.1.24 — Shopping Centers - 5.5 spaces per 1000 sq. ft. of net floor area

1-5.1.25 — Permanent Recreational Uses - in addition to spaces required for areas devoted to uses specified above:

A. Ice Skating & Roller Rinks - 1 space per 250 sq. ft. of gross floor area devoted to activity

B. Health and Swimming - 1 space per 50 sq. ft. of gross floor area and pool area devoted to activity

C. Tennis Clubs - 3 spaces per court

D. Golf Courses & Driving Ranges - 3 spaces per hole, minimum 10 spaces

E. Conservation Clubs - minimum 10 spaces

F. Miniature Golf - 1.5 spaces per hole

G. Dancing Studios - 1 space per 75 sq. ft. of gross floor area devoted to activity

1-5.1.27 — New and Used Car Facilities - Minimum 10 spaces for customers

1-5.1.28 — Automobile Collision, Repair Shops and Gasoline Stations - 2 spaces per bay, minimum 6 spaces

In addition to minimum parking requirements established by Section 1-5.1, the following stacking areas are required. The size of each space shall be 20 feet in length by 9 feet in width.

1-5.2.1 — Rapid Car Wash - 35 spaces per stall

1-5.2.2 — Coin Car Wash - 5 spaces per stall

1-5.2.3 — Drive-In Bank, accessory to bank office - 8 spaces per booth, customer facility or service window.

1-5.2.4 — Drive-In Bank, not accessory to bank office - 10 spaces per booth, customer facility or service window.

1-5.2.5 — Self Service Gas Stations - 4 spaces per pump

1-5.2.6 — Other Drive-In Facilities - 5 spaces per booth, customer facility or service window.

1-5.3 — Modifications of Requirements

1-5.3.1 — Variation of requirements

The parking, stacking and loading requirements applicable to a lot may be varied by the Town Board where it finds that the objectives of this Section can be met with respect to that lot and the specific activity or use to be conducted thereon with reduced facilities.

1-5.3.2 — Public Parking facilities available

The parking spaces required hereunder may be modified by the Planning Board after receiving a recommendation from the Building Inspector where he finds that free parking areas or publicly owned parking areas are accessible within 600 feet, and where land is not available for development of off-street parking as required herein, or where public transportation is used extensively.

1-5.3.3 — Parking for single and mixed uses

A building occupied by one use shall provide the off-street parking spaces as required for the specific use. A building, or group of buildings, occupied by two or more uses, operating normally during the same hours, shall provide spaces for not less than the sum of the spaces required for each use. For a multiple development, parking spaces shall be provided for the total area of the building or buildings as set forth in said schedule, instead of the requirements based on each separate use.

For the purposes of this subsection, a multiple development shall be defined as four or more offices or commercial or industrial establishments or enterprises, or combinations thereof, which are located in a single building or in two or more buildings, developed as a part of a single integrated development.

1-5.3.4 — Joint use of parking facilities

A. Churches, civic clubs, community centers, auditoriums, lodge halls, gymnasium and stadiums may make arrangements with business establishments which normally have different hours of operation for sharing up to, but not more than 50%, of their requirements in nearby parking areas which are accessory to such business uses, provided, however, where there is a sharing of facilities by different owners or tenants, there shall be an agreement covering a period of time as may be required by the Town Board and provided, further that, should any of the uses be changed or the facilities discontinued then the required spaces for the use or uses remaining shall be provided elsewhere as a condition precedent to the continued use of said building or buildings.

B. Where churches, civic clubs, community centers, auditoriums, lodge halls, gymnasium and stadiums share parking facilities with nearby business establishments, such parking facilities shall be located within 250 feet from the property line of said use.

1-5.3.5 — Accessory Uses

No off-street parking shall be required for uses accessory to Hospital, Convalescent or Nursing Homes or for an accessory restaurant used primarily for students, patients, tenants, or employees occupying a principal use.

1-6 — Design Regulations

1-6.1 — Parking Area Dimensions

Parking areas shall be designed in dimension in accordance with the following:

1-6.1.1 — Minimum stall shall be 9' x 20'

1-6.1.2 — Parallel (curbside) spaces shall be 8' x 22'

1-6.2 — Location of Off-Street Parking Facilities

1-6.2.1 — Residential Districts and Uses

A. Enclosed or open parking facilities as required shall be provided on the same lot as the dwelling unit served.

B. Commercially licensed motor vehicles used solely by the occupant of the premises - See Part II, Section 15-5.

1-6.2.2 — Civic Uses and Places of Assembly

Driveways and parking areas serving churches, clubs, community centers and other public facilities within or adjacent to a residential district may not be located within required side and rear yards, and driveways only may be within the front yard. Driveways and parking areas shall be located not less than 25 feet from any adjacent residential lot lines.

1-6.2.3 — Business and Industrial Districts

A. In all business and industrial districts, off-street parking, loading and stacking facilities shall be provided on the same lot as the principal use or on another lot zoned business or industrial, the nearest point of which shall be within 250 feet from the nearest entrance of the building served.

B. Restricted parking lots permitted only in R-1, R-2, MFR-3, and MFR-4 Districts.

If the Town Board, after public hearing advertised in the manner required by law and written notification to property owners within a radius of 500 feet, and after receiving a recommendation from the Planning Board, finds that the proposed parking, loading or stacking area in an R-1, R-2, MFR-3 or MFR-4 District to be accessory to a business use:

1. Will not increase the congestion on adjoining residential streets in such a way

as to promote a traffic hazard or a nuisance to adjoining residents;

2. The proposed lot will be properly screened, lighted, and designed so as to prevent nuisance to adjoining residents;

3. The proposed lot will be landscaped as required by this ordinance;

4. The lot will be suitable for the proposed use;

5. The lot shall not provide more than 25% of the required parking, loading and stacking area;

6. At least 100 feet of said lot shall abut or be directly across the street or alley from the business use to which it is accessory;

7. The lot shall not extend more than 250 feet from the nearest property line of the business district;

8. The lot shall be used for the purpose of passenger automobiles only, and no commercial repairs, sales or services shall be conducted thereon, and

9. Driveways and parking areas shall be located not less than 25 feet from any adjacent residential lot line. It may direct the Building Inspector to issue a permit for the parking, loading or stacking areas in such residential districts.

1-6.3 — Parking Limitations Automobile Service Facilities

Unenclosed parking of motor vehicles at automobile service facilities shall be limited to four (4) vehicles and no vehicle shall remain so parked in excess of 24 hours.

1-6.4 — Parking, Stacking and Loading Area Improvements Applicable to all Districts:

Parking, stacking and loading areas and access driveways shall be designed, graded, constructed, altered and maintained as follows:

1-6.4.1 — Grading and paving

Parking, stacking and loading areas and access driveways shall be graded and drained so that the surface water shall not be allowed to flow onto adjacent properties. Parking areas and driveways shall be constructed as required by the Town's Adopted Building Code, as amended.

1-6.4.2 — Features

Parking, stacking and loading areas shall be arranged, marked and maintained as shown on the parking, loading and stacking plan approved as a part of the site plan in order to provide for orderly and safe parking, loading and storage of vehicles. The Planning Board may also require structural or landscape features including without limitation bumper guards, curbs, walls or fences to further carry out the objectives of this ordinance. A compact evergreen hedge, shrubs or other screening by a substantially solid fence between parking areas and the side or rear lot line of a residential district may also be required in accordance with the standards established in other sections of this ordinance.

1-6.4.3 — Illumination

Parking, loading and stacking areas shall be illuminated only to the extent necessary to insure the public safety. Illumination shall not be used for the purpose of advertising or attracting attention to the principal use.

Lighting fixtures shall be designed, sized and located so as not to cast direct rays upon adjoining premises or cause glare hazardous to pedestrians or persons using adjacent public streets.

1-6.4.4 — Pedestrian Walks

Pedestrian walks between parking areas and buildings shall be provided to assure pedestrian safety.

1-6.5 — Driveways to Parking Areas

Entrance and exit driveways serving parking facilities, "drive-in" businesses, fee parking lots and public parking lots, shall be provided in location, size, and number so as to interfere as little as possible with the use of adjacent property and the flow of traffic on the streets to which they connect.

1-7 — Loading Facilities

Loading and unloading facilities shall be provided and maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this Section.

1-7.1 — Allocation of Use

Space required and allocated for any off-street loading facility shall not be used to satisfy the space requirements for off-street parking or stacking. An off-street loading space shall not be used for repairing or servicing of motor vehicles.

1-7.2 — Location of Facility

All required loading facilities shall be related to the building and use to be served to provide for loading and off-loading of delivery and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of accessways, parking or stacking facilities, public streets or sidewalks. A required loading space shall not face, or be visible from the frontage street, and shall not be located in a required front yard, or a required side or rear yard if adjoining a residential district.

1-7.3 — Access Driveways

Each required off-street loading space shall be designed for vehicular access by means of a driveway, or driveways, to a public street in a manner which will least interfere with adjacent traffic movements and interior circulation.

1-7.4 — Minimum Size Criteria

A required off-street loading space shall be at least twelve (12) feet wide by at least twenty (20) feet in length. The above area shall be exclusive of the maneuvering space, and each loading facility shall have a vertical clearance of at least fourteen (14) feet.

1-7.5 — Schedule of Required Loading Facilities

Off-street loading spaces shall be provided as required herein for the following uses:

| USE | GROSS FLOOR AREA OF SINGLE BLDG. OR PER ENTERPRISE WITHIN A BLDG. | REQUIRED NUMBER OF SPACES |
|---|---|---------------------------|
| Retail Stores and Services, all types | under 5,000 sq. ft. | 1 |
| | 5,000 to 20,000 sq. ft. | 2 |
| | 20,000 to 50,000 sq. ft. | 4 |
| | 50,000 to 100,000 sq. ft. | 6 |
| Printing, publishing, warehouses and storage establishments | under 40,000 sq. ft. | 2 |
| | 40,000 to 100,000 sq. ft. | 4 |
| Manufacturing and processing of products | under 20,000 sq. ft. | 2 |
| | 20,000 to 40,000 sq. ft. | 4 |
| | each additional 25,000 sq. ft. | 1 additional space |

Section 2 — Landscaping Regulations

2-1 — Intent

It is the purpose and intent of this section to:

2-1.1 — Protect and promote the public health, safety and general welfare by requiring the landscaping of multi-family residential and all non-residential developments, including parking areas.

2-1.2 — Establish minimum standards and criteria for the landscaping of multi-family residential and all non-residential developments, to dissuade the unnecessary clearing and disturbing of land so as to preserve the natural and existing growth of flora and to replace removed flora, or plant new flora indigenous to the Western New York Region.

2-1.3 — Reduce the effects of wind and air turbulence, heat and noise, and the glare of automobile lights.

2-1.4 — Provide unpaved areas for the absorption of surface waters.

2-1.5 — Reduce the level of carbon dioxide and return pure oxygen to the atmosphere.

2-1.6 — Prevent soil erosion.

2-1.7 — Provide shade.

2-1.8 — Conserve and stabilize property values and to otherwise facilitate the creation of a convenient, attractive and harmonious community.

2-1.9 — Relieve the blighted appearance of parking areas, and

2-1.10 — Generally preserve a healthful and pleasant environment.

2-2 — Definitions

2-2.1 — Landscaped Area - the area required or permitted under this section to be devoted to landscaping and environmental improvement, which may include existing and new vegetation, berms, lighting, street furnishings and ornamental features which are integrated with the vegetation.

2-2.2 — Parking Area - the off-street parking area and loading and unloading area required by this ordinance.

2-3 — General Provisions

2-3.1 — Developments of attached dwelling units in the MFR-3 and MFR-4 Districts and all non-residential developments otherwise subject to site plan review shall meet the requirements of this Section. A landscape plan shall be submitted and approved as a part of this review procedure.

2-3.2 — The landscape plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate existing and proposed structures, use, parking areas, access aisles, drainage pattern, and the location, size, and description of all landscape materials existing and proposed, including all trees and shrubs; and to include those existing plant materials that are to be removed and such other information as may be required by the Building Inspector and the Planning Board.

| USE | GROSS FLOOR AREA OF SINGLE BLDG. OR PER ENTERPRISE WITHIN A BLDG. | REQUIRED NUMBER OF SPACES |
|-----|---|---------------------------|
|-----|---|---------------------------|

| | | |
|---------------------------------------|---------------------------|---|
| Retail Stores and Services, all types | under 5,000 sq. ft. | 1 |
| | 5,000 to 20,000 sq. ft. | 2 |
| | 20,000 to 50,000 sq. ft. | 4 |
| | 50,000 to 100,000 sq. ft. | 6 |

| | | |
|---|---------------------------|---|
| Printing, publishing, warehouses and storage establishments | under 40,000 sq. ft. | 2 |
| | 40,000 to 100,000 sq. ft. | 4 |

| | | |
|--|--------------------------------|--------------------|
| Manufacturing and processing of products | under 20,000 sq. ft. | 2 |
| | 20,000 to 40,000 sq. ft. | 4 |
| | each additional 25,000 sq. ft. | 1 additional space |

2-4 — Standards and Criteria

2-4.1 — A minimum ground area of not less than 15% of the total lot area shall be landscaped and shall be the landscaped area required.

2-4.2 — The arrangement and spacial location of a landscaped area shall be disbursed throughout the development site.

2-4.3 — Not less than 5% of the interior of a parking area designed for 20 cars or more, shall be devoted to the required landscaped area and shall be distributed so as to prevent unsightliness and monotony of parked cars.

2-4.4 — Landscaping shall provide privacy and screening for adjacent land uses, with visual, noise and air quality factors considered.

2-4.5 — Landscape treatments shall be designed as an integral part of the entire development.

2-4.6 — Vegetation shall be compatible with soil conditions on the development

site and the regional climate.

2-4.7 — Existing natural features and vegetation shall be preserved and incorporated in the landscaped area wherever possible.

2-4.8 — The primary emphasis of the landscape treatment shall be on trees and efforts shall be made to preserve existing trees. Shrubbery, hedges, grass and other vegetation should be used to compliment the use of trees but shall not be the sole contribution to the landscape treatment.

2-4.9 — The interior dimensions of any area or median shall be a minimum of seven (7) feet wide to insure the proper growth of materials planted therein.

2-4.10 — All trees planted shall have a minimum caliper of 2.5", 6" above the ground.

2-4.11 — Plastic or other types of artificial plantings or vegetation shall not be permitted.

2-4.12 — Parking, loading and stacking areas and driveways located adjacent to residential districts shall be landscaped by screening and/or buffering. Such screening and/or buffering shall be so designed that a person standing on the adjacent residential parcel on the minimum setback line, 5' above the average finished grade, would not be able to perceive by eye any uses, activities or automobile lights originating from said parking, loading or stacking areas or driveway. This standard may be met by using various techniques such as fencing, plant materials, earthen berms or combinations thereof. Such techniques can be applied within the required side and rear yards.

2-5 — Parking Credits for Landscaping

The Planning Board, as a part of site plan review may reduce the minimum number of off-street parking spaces required by this ordinance by not more than 10%, provided that the land area so removed is not used to meet the landscape area herein required and is used exclusively for landscaping in accordance with the standards and criteria hereof. If, at any time thereafter, the Planning Board determines that the land area so removed is needed to provide necessary off-street parking, it may order the installation thereof. Any certificate of occupancy issued for any parking area and the building served thereby shall be deemed conditional upon the possible requirement for the future installation of the additional off-street parking, upon such order by the Planning Board. Failure to comply with such an order within the time fixed thereby, shall constitute a violation of this ordinance.

2-6 — Maintenance and Enforcement

All landscaped areas required and/or permitted by this Subsection, shall be maintained and preserved according to the plan as originally approved or as amended by the Planning Board. Flora which dies shall be replaced within the next planting season by plantings of a similar nature.

Section 3 — Sign Regulations

3-1 — Intent

Sign regulations, including provisions to control the type, design, size, location, motion, illumination and maintenance, thereof are designed to achieve the following purposes:

3-1.1 — To protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community from the effects of inharmonious, bizarre and out of scale signs.

3-1.2 — To preserve the scenic and natural beauty of designated areas and provide a more enjoyable and scenic community.

3-1.3 — To reduce signs or advertising distractions or obstructions that may contribute to traffic accidents.

3-1.4 — To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type of establishment.

3-1.5 — To control signs so that their appearance will be aesthetically harmonious with the overall design of the area.

3-1.6 — To reduce hazards that may be caused by signs over-hanging or projecting over public rights-of-way, and

3-1.7 — To curb the deterioration of natural beauty in the community's environment.

3-2 — Definitions

3-2.1 — Sign: A name, identification, description, or display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land which directs attention to an object, product, service, place, activity, person, institution, organization or business and the supporting members thereto.

3-2.2 — Sign Face Area: The entire area within the single, continuous perimeter enclosing the extreme limits of writing, representation, emblems or any figure or similar character together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports, uprights or structures on which any sign is supported shall not be included in determining the sign [face] area unless such supports, uprights or structures are designed in such a manner as to form an integral part of the display. Where a sign has only two faces, the area of one side shall be the face area of the sign. Where a sign has more than two faces, the area of all the faces shall be the face area of the sign.

3-2.3 — Sign, Billboard: Any sign that attracts attention to an object, product, service, place, activity, institution, organization or business not available or located on the lot where the sign is located.

3-2.4 — Sign, Free-Standing: A sign resting upon or attached to the ground by means of an integral base or one or more poles or standards. Free-standing signs include both pole signs and ground signs.

3-2.5 — Sign, Wall: Sign integral with or attached to and supported by the exterior wall of a building, and projecting not more than twelve (12) inches therefrom.

3-2.6 — Sign, Under Canopy: A sign attached to the soffit or under the fascia of a structure, canopy, covered entrance or walkway, awning or marquee.

3-2.7 — Sign, Fascia: A sign attached flat against the fascia.

3-3 — Exceptions

For the purposes of this ordinance, the term SIGN does not include:

3-3.1 — Signs erected and maintained pursuant to and in discharge of any governmental function.

3-3.2 — Signs prohibiting trespassing.

3-3.3 — Integral, decorative or architectural features of buildings, except letters or trademarks.

3-3.4 — Signs not exceeding four (4) square feet per face directing and guiding traffic and parking on private property and bearing no advertising.

3-3.5 — Signs not exceeding one (1) square foot per face advertising the cost of gasoline when attached to a gasoline pump or service island canopy.

3-4 — General Regulations

The prohibitions contained in this paragraph shall apply to all signs and use districts.

3-4.1 — No sign shall be used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located.

3-4.2 — Illumination

Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign other than that part used to report time, temperature, stock market and/or news reports shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination therefrom to be directed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced. Overhead wires or exposed wires on a sign or its supporting members are prohibited.

3-4.3 — Signs on Public Property

No sign shall be placed in any street right-of-way or on other public property unless specifically authorized.

3-4.4 — Roof Signs

No signs, except such directional devices as may be required by the Federal Aviation Agency shall be placed, inscribed, or supported upon or above the highest part of the roofline.

3-4.5 — Temporary Signs

No exterior portable or temporary signs shall be erected, used or maintained without a permit issued by the Building Inspector for the following purposes only:

3-4.5.1 — New business enterprises which are waiting erection of permanent signs, for a period not exceeding thirty (30) days.

3-4.5.2 — Business enterprises which have lost the use of an existing sign by reason of fire or other catastrophe, for a period not exceeding thirty (30) days.

3-4.5.3 — Limited activities in connection with the principal uses or activity on the premises, for a period not exceeding thirty (30) days per permit and shall not exceed 120 accumulated days per calendar year.

3-4.5.4 — Signs advertising the price of merchandise displayed outdoors, excluding farm products grown on the premises, not exceeding thirty-two (32) square feet in face area.

3-4.6 — Banners, etc.

No banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering, or revolving signs or devices or strings of lights shall be permitted.

3-4.7 — Obstructions

No sign shall create a traffic hazard by obstructing the view at any street intersection or by design resemblance through color, shape, or other characteristics to common traffic control devices. No free-standing sign having the lowest member, excluding the pole, less than eight (8) feet above the finished grade shall be allowed on corner lots in a triangle formed between points on the front and side lot lines 35 feet from the intersection.

3-4.8 — Maintenance of Signs

All signs and sign structures shall be maintained in good repair and condition. Signs and their supporting structures which no longer serve the purpose for which they were intended or which have been abandoned or are not maintained in accordance with this ordinance and other applicable regulations of the Town, shall be removed by the owner, lessee or user, thereof, the permit holder or owner, lessee or user of the premises upon which it is located.

3-4.9 — Non-Conforming Signs

3-4.9.1 — Signs, including billboard conforming to the regulations prevailing prior to the effective date of this amendment, but which do not conform with the regulations herein, or subsequent amendments thereto, shall be non-conforming signs. Any sign or part thereof which has been blown down, destroyed or otherwise taken down for any purpose other than repair, shall not be rebuilt,

re-erected, or relocated unless it complies with the provisions of this Section 3 and other applicable regulations.

3-4.9.2 — Where signs individually or collectively in a multiple development, as hereinafter defined, are non-conforming, one or more new wall and canopy/fascia signs complying with the provisions of subsection 3-6.2.3 A, may be erected whenever the use or occupancy of an individual establishment or enterprise changes.

3-5 — Signs permitted in All Districts as Accessory Uses or Structures, Without a Use Permit

3-5.1 — Sale, Lease, Rental

One sign for each building or lot advertising the sale, rental or lease of the premises or part thereof on which the sign is displayed, not exceeding six (6) square feet in Residential Districts and thirty-two (32) square feet in Business and Industrial Districts. Illumination shall not be permitted.

3-5.2 — Address

One sign indicating the name and address of the occupants of a dwelling not exceeding two (2) square feet in area. An address sign shall not be permitted if a sign permitted for the office of a resident professional is in use.

3-5.3 — Project Name

One sign indicating "project name" and the names of the architect, engineer, contractor and participating public and governmental agencies and officials, placed on premises where construction, repair or renovation is in progress, not exceeding thirty-two (32) square feet in face area, fifteen (15) feet in height or located not less than twenty-five (25) feet from the lot line and 75 feet from any dwelling not within the project. Such sign shall be permitted for a period not to exceed one (1) year.

3-6 — Signs Permitted in Districts as Accessory Structures or Uses, Requiring a Use Permit

3-6.1 — Residential Districts

The following signs shall be permitted in Residential Districts in addition to those specifically permitted within the individual districts:

3-6.1.1 — One permanent subdivision non-illuminated identification sign not exceeding thirty-two (32) square feet in area and four (4) feet in height, indicating the name of the Subdivision or Residential Development. Said sign may be located in the public right-of-way if authorized by the Town Board, after review by the Planning Board and Highway Superintendent.

3-6.1.2 — In Multiple-Residence Districts, one (1) permanent non-illuminated identification sign indicating the name, owner or manager of the development, not exceeding thirty-two (32) square feet in face area and six (6) feet in height above the finished grade, shall be permitted on a major street which the development abuts, but not less than twenty-five (25) feet from any lot line.

3-6.1.3 — One sign or bulletin board, which may be illuminated, not exceeding thirty-two (32) square feet in face area, located on the premises of a public, charitable, or religious institution shall be permitted, but not less than twenty-five (25) feet from any lot line, and no more than six (6) feet in height above the finished grade.

3-6.2 — Business and Industrial Districts

Signs, which may be illuminated, shall be permitted in Business and Industrial Districts subject to the following regulations:

3-6.2.1 — TOTAL MAXIMUM FACE AREA of all signs other than temporary or portable signs permitted shall be as indicated in the following table: The total maximum face area of all signs permitted for establishments or enterprises occupying a building shall be related to the length of the building facing the nearest street. Where a building fronts on more than one street, the frontage shall not exceed the length of the longest side on one street.

(See chart #8)

3-6.2.2 — The area of a pictorial design, illustration, forms of humans, animals, products and trademarks shall be charged against the maximum sign face area permitted.

3-6.2.3 — Types and Numbers of Signs Permitted within Total Maximum Face Area - Design Requirements:

A. Wall Signs - Wall signs shall be permitted for each separate establishment or enterprise occupying a building or unit thereof, but shall not project

beyond the ends of the building or its parapet or the highest point of the roof, whichever is higher.

B. Ground Signs - One ground sign for each multiple development as hereinafter defined or individual building not a part of such development shall be permitted. Such signs

1. shall be no higher than four (4) feet above the average finished grade;

2. shall have a total face area not exceeding one hundred (100) square feet;

3. shall be located not less than twenty-five (25) feet from any adjacent business or industrial lot or fifty (50) feet from an adjacent residential lot or fifteen (15) feet from a street right-of-way.

C. Pole signs - One pole sign for each individual building not a part of a multiple development as hereinafter defined and regulated shall be permitted in the General business (GB), Commercial and Motor Service (CMS), Shopping Center (SC), Light Industrial (LI), General Industrial (GI) Districts only.

Such signs:

1. shall be supported wholly by pole or poles;

2. shall not exceed twenty-five (25) feet in height nor shall the lowest member excluding the pole be less than eight (8) feet from the finished grade of a paved walk, drive or parking area;

3. shall be located not less than fifty (50) feet from an adjacent residential lot;

4. shall not project over any public right-of-way or encroach upon the property of another.

5. The maximum total face area shall be determined by the street frontage of the lot as indicated in the following table. Where the lot fronts on more than one street, the frontage shall be the length of the longest side. Total pole sign area shall be charged against the maximum face area indicated in Section 3-6.2.

TOTAL MAXIMUM SIGN FACE AREA OF POLE SIGNS (IN SQUARE FEET)

Zoning District Street Frontage (in feet)

(See chart #9)

Chart #9

| | Under 200 | 200-349 | 350-499 | 500-750 | Over 750 |
|------------------------------|-----------|---------|---------|---------|----------|
| General Business | 32 | 64 | 96 | 128 | 160 |
| Commercial and Motor Service | 32 | 64 | 96 | 128 | 160 |
| Shopping Center | 64 | 96 | 128 | 160 | 192 |
| Light Industrial | 64 | 96 | 128 | 160 | 192 |
| General Industrial | 64 | 96 | 128 | 160 | 192 |

Chart #8

| TOTAL MAXIMUM SIGN FACE AREA (In Square Feet) | | | | | | | | | | |
|---|-----------------------------|-------|--------|---------|---------|---------|---------|---------|---------|--------------|
| Zoning District | Building Frontage (in feet) | | | | | | | | | |
| | Less Than 40 | 40-80 | 81-120 | 121-160 | 161-200 | 201-240 | 241-280 | 281-320 | 321-360 | 361-and over |
| Neighborhood Business | 40 | 80 | 120 | 160 | 200 | 240 | 280 | 320 | 360 | 400 |
| General Business | 60 | 120 | 180 | 240 | 300 | 360 | 420 | 480 | 540 | 600 |
| Commercial & Motor Service | 60 | 120 | 180 | 240 | 300 | 360 | 420 | 480 | 540 | 600 |
| Shopping Center | 60 | 120 | 180 | 240 | 300 | 360 | 420 | 480 | 540 | 600 |
| Light Industrial | 40 | 80 | 120 | 160 | 200 | 240 | 280 | 320 | 360 | 400 |
| General Industrial | 40 | 80 | 120 | 160 | 200 | 240 | 280 | 320 | 360 | 400 |

D. Under Canopy/Fascia Signs - Not more than two signs for each establishment or enterprise shall be permitted. However, a fascia sign and an under canopy sign suspended from and parallel to the fascia shall not be permitted. Such signs

1. shall identify only the name and/or type of establishment and/or address.
2. shall have a vertical dimension not exceeding eighteen (18) inches.
3. shall not have a member less than eight (8) feet above the finished grade.
4. shall not exceed nine (9) square feet in face area for a single face.

E. Multiple Development -

1. For the purposes of this subsection a multiple development shall be defined as four or more offices or commercial or industrial establishments or enterprises, or combinations thereof, which are located in a single building or in two or more buildings developed as part of a single integrated development.

2. In multiple developments, each individual establishment or enterprise shall be permitted to have wall, under canopy/fascia, and ground signs subject to the regulations herein and one pole sign advertising the name of the development only. The face area of the pole sign may be at least ninety-six (96) square feet regardless of the street frontage specified in Section 3-6.3.2C.5 and shall be in addition to the maximum face area otherwise allowed.

3-7 - Sign, Billboards - not permitted

3-8 - Application for Use Permits

3-8.1 - Except as otherwise provided herein, a use permit required by and issued pursuant to the provisions herein, shall be valid for a period of five (5) years from the date thereof. Prior to the expiration of the five-year period, the owner of such sign shall apply to the Building Inspector for renewal of the use permit. If the Building Inspector, after inspection, finds that the sign is in good repair and conforms to the original permit, he shall issue a renewal permit which shall be valid for a further period of five (5) years. Application for further renewals shall be made every five (5) years in accordance with these provisions. Any sign for which a use permit has expired shall be removed.

3-8.2 - No sign erected and permitted pursuant to a use permit as required or any sign erected and existing prior thereto shall be altered, rebuilt or modified unless it conforms to the requirements hereof and a new use permit therefore is issued.

3-8.3 - If the use permit for a sign has expired or if after inspection upon application for a renewal use permit or at any other time, the Building Inspector finds that a sign is not in good repair or does not comply with the use permit issued or with the provisions of subsection 3-4.8, he shall order the owner or lessee of the premises upon which it is located, the owner and user of the sign, and the holder of the use permit to repair it or bring it into compliance with the use permit, as the case may be, or remove the same within thirty (30) days following the date of personal service or mailing thereof. Such order shall be written and served personally or by certified mail directed to the last known address of the owner, lessee, user or holder. Failure to comply with such an order shall constitute a violation of this ordinance.

3-8.4 - A building permit issued for the erection, alteration, modification or repair of any sign conforming to the requirements of this ordinance shall constitute the use permit herein required. The term of the use permit shall not be limited by any restriction contained in the building permit for commencement of the work thereby authorized.

3-8.5 - Upon application for a sign use permit or renewal thereof, a fee of \$10.00 shall be paid in addition to all fees required under the Building Code.

Section 4 - Nonconforming Uses

4-1 - Intent

Within the districts established by this ordinance or amendments that may be adopted, there exist lots, structures, uses of land and characteristics of use which were lawful before this ordinance or amendments thereto were passed, but which would be prohibited, regulated, or restricted under terms of this ordinance or future amendments. Regulations for the continuance, maintenance, repair, restoring, moving and discontinuance of nonconforming lots, structures, land and uses are established for the following purposes:

4-1.1 - to permit these nonconformities to continue, but to minimize any adverse effect on the adjoining properties and development;

4-1.2 - to regulate their maintenance and repair;

4-1.3 - to restrict their rebuilding if substantially destroyed;

4-1.4 - to require their permanent discontinuance if not operated for certain periods of time; and

4-1.5 - to require conformity if they are discontinued, to bring about eventual conformity in accordance with the objectives of the Comprehensive Plan and Zoning Ordinance of the Town.

4-2 - Nonconforming Lots of Record

In any residential district in which single-family detached dwellings are permitted, a single-family detached dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

This provision shall apply even though such a lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such a lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

If two or more lots or combination of lots or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for width and area, the lands involved shall be considered an undivided parcel for the purposes of this ordinance. The provisions of this Section shall not apply if any portion of said parcel shall, after the adoption of this ordinance or amendment, be used or divided in a manner which prevents or diminishes compliance with the requirements established by this ordinance, or amendment thereto.

4-3 - Nonconforming Uses and Structures

4-3.1 - Except as hereinafter authorized no nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or an amendment of this ordinance; nor shall any existing conforming structure devoted to a use not permitted by this ordinance in the district in which it is located or a nonconforming structure itself or its use if nonconforming be enlarged, extended, constructed, reconstructed or moved except in changing the use of the structure to a use permitted in the district in which it is located or to make the structure conforming.

4-3.1.1 - Restoration of a Damaged Use or Structure

If a nonconforming use or structure is destroyed or damaged by fire, other casualty, act of God or by the public

enemy to the extent of less than 50% of its value immediately prior to the occurrence, it may thereafter be reconstructed or repaired and occupied. In all other cases, the nonconforming use shall be terminated and any nonconforming structure shall be demolished. Application for a building permit to repair, replace or reconstruct a partially destroyed or damaged use or structure as herein authorized must be made within one (1) year of the occurrence, and the repair, replacement or reconstruction must be completed within six (6) months following the issuance of the permit or the nonconforming status of the use or structure shall be terminated and any nonconforming structure then remaining shall be demolished.

4-3.1.2 - Nonconforming use may be enlarged up to 25%, provided that no enlargement shall exceed 25% of the size of the use at the date the use was rendered nonconforming.

4-3.2 - Superseding a Nonconforming Use by a Permitted Use

Any structure, land or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district.

4-3.3 - Moving a Nonconforming Use or Structure

A nonconforming use or structure shall not be moved for any reason other than to conform to the regulations for the district in which it is located after it is moved.

4-3.4 - Discontinue or Abandoning a Nonconforming Use or Structure

A nonconforming use or structure discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period shall not thereafter be used or occupied except in conformity with the regulations of the district in which it is located.

Discontinuance of the active and continuous operation of a nonconforming use, or a part or portion thereof, for a period of twelve (12) consecutive months or eighteen (18) months during any three (3) year period, as the case may be, is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If actual abandonment in fact is evidenced, by the removal of buildings, structures, machinery, equipment and other evidence of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed within a period of less than twelve (12) consecutive months and all rights to re-establish or continue such nonconforming use shall thereupon terminate.

4-3.5 - Nonconforming Parking, Loading and Stacking Facilities

A structure, use or occupancy existing lawfully at the time this ordinance or any amendment thereto becomes effective, but which does not conform with the off-street parking, loading and stacking regulations, may be occupied or continued without such parking and/or loading spaces being provided. Any such spaces that may be provided thereafter shall comply with the regulations of this ordinance. If an existing structure, use or occupancy is altered so that there is an increase of the number of dwelling units, seating capacity or floor area, or if the use or occupancy is changed to one requiring more off-street facilities, then off-street parking, stacking and loading spaces shall be provided at least equal to the number required for the increased area for the structure or use in accordance with all provisions of this ordinance.

4-4 - Repair and Maintenance

4-4.1 - On any nonconforming structure or portion of a structure containing a nonconforming use or occupancy, ordinary repair work may be done or repairs or replacements of non-bearing

walls, fixtures, wiring, or plumbing may be made provided that the cubic content existing when it became nonconforming shall not be increased.

4-4.2 - If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it may be strengthened or restored to a safe condition upon order of an official charged with protecting the public safety.

4-5 - Cessation

The following nonconforming uses may be continued for a period of three (3) years from the adoption of this ordinance provided that after the expiration of such period any such nonconforming use shall become an unlawful use and shall be terminated.

4-5.1 - In any Residential District, a nonconforming use not in an enclosed building.

Section 5 - Minimum Building Lines on Major Streets

5-1 - Minimum Building Lines

Except as provided in Part II, Section 15-1, minimum building lines as measured from the center of the street shall supersede the minimum front yard requirements for those Districts on the following streets:

Street Name, Location and Minimum Distance as follows:

Transit Road, North and South of Village of Depew, 135 feet.

Genesee St., East of Harris Hill Rd., 135 feet.

Wehrle Dr., West of Harris Hill Rd., 100 feet.

Walden Ave., East of Village lines, 135 feet.

Como Park Blvd., West of Village line, 100 feet.

William St., All, 100 feet.

Pavement Rd., All, 100 feet.

Broadway, East of Village line, 150 feet.

Bowen Rd., South of William St., 100 feet.

Aurora St., South of William St., 100 feet.

Town Line Rd., South of William St., 100 feet.

Section 6 - Supplementary Height Regulations

Flag poles and chimneys, radio or television antennae located upon and constituted as an integral part of a principal structure and wind mills may be erected above the height limit specified, but are limited to a height not exceeding sixty (60) feet above the average finished grade. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided such mechanical space is set back a minimum of fifteen (15) feet from any exterior wall, does not exceed fifteen (15) feet in height, and is screened from view.

Section 7 - Bulk Storage of Combustible or Flammable Liquids

All bulk combustible or flammable liquids shall be stored in underground storage tanks of such capacity as permitted and approved by the National Board of Fire Underwriters, except that above ground propane storage may be permitted by the Town Board by the issuance of a permit.

Section 8 - Height of Fences and Walls

8-1 - No fence or wall in a Residential District shall exceed six (6) feet in height except where it abuts a non-Residential District in which event it shall not exceed eight (8) feet in height, provided however, that a fabric fence not exceeding twelve (12) feet in height enclosing a tennis court shall be permitted.

For the purpose of screening, the Planning Board may require fences, vegetation, or other appropriate material in Non-Residential Districts where they abut Residential Districts to assure privacy for adjacent land uses with visual, noise, and air quality factors considered.

8-2 — In no event shall fences or walls in Non-Residential Districts abutting Residential Districts exceed eight (8) feet in height.

8-3 — Within Non-Industrial Districts no fence, or wall, other than a necessary retaining wall, over three (3) feet in height, shall extend into the front yard of any lot.

8-4 — The height of all fences or walls shall be measured from the average finished grade of the lot.

Section 9 — Clear Vision

Clear vision shall be maintained on corner lots in a triangle formed between points on the front and side lots' lot line 35 feet from the intersection. Within that area no fence, wall, ornamental gate or portal, bushes or shrubbery shall be permitted higher than two (2) feet above the average finished grade of the lot. Trees shall be permitted within the area only if maintained and trimmed so that no branches or foliage are less than eight (8) feet above the average finished grade of the lot.

Section 10 — Projection into Yards and Courts

10-1 — Cornices and eaves may project not to exceed eighteen (18) inches over any required yard or court.

10-2 — Sills, loaders, belt courses and similar ornamental or structural features may project six (6) inches into any required yard or court. An open fire balcony or fire escape, or a fire tower may project into a required yard not more than four (4) feet.

10-3 — Ground story bay windows, oriels or balconies, having a combined total width not exceeding one-half (½) the length of the wall to which they are attached, may project not more than three feet into any required yard. An open porch not over one (1) story high may project into any required side yard, provided it does not come nearer the side lot line than a distance equivalent to one-half (½) the width of the side yard required as a minimum for that lot.

No porch, oriel, bay window, balcony or stairway constructed under the provisions of the preceding paragraph shall have a width or a greater dimension in excess of twice the distance of its projection. An open porch or entrance way may project not to exceed eight (8) feet into a required front yard. A bay window not over one (1) story high may project four (4) feet into a required front yard. Such bay windows shall not occupy more than one-half (½) of the wall to which they are attached. Where part of the front wall encloses garage space, such wall space shall not be used to figure length of the bay windows.

10-4 — A chimney, smokestack, flue or elevator shaft may project into any yard or court required as a minimum provided the horizontal section of the projection does not exceed twelve (12) square feet in any "Residence" District, or nine (9) square feet in any other district and provided it does not come nearer the side lot line than a distance of three (3) feet.

Section 11 — Ornamental Gates and Portals

Ornamental gates and portals may be constructed in any district but only on private property and may be located in a required yard.

Section 12 — Lot Division

No lot shall be divided so that the yards or other required open spaces shall be smaller than required by this ordinance.

Section 13 — Subsurface Rights

This ordinance shall not abrogate or contain any subsurface rights acquired by deed or lease, but all surface and above surface structures in conjunction

therewith shall be subject to the regulations hereby established.

Section 14 — Yards for Outdoor Storage

In any business or industrial district where outdoor storage is permitted, the yard and landscaping requirements for parking, loading and stacking areas shall apply to the storage areas.

PART VIII

ADMINISTRATION AND ENFORCEMENT

Section 1 — Amending Procedures

1-1 — Initiation of Zoning Amendments - General Provisions

1-1.1 — The regulations, restrictions and boundaries herein provided may from time to time be amended, supplemented, changed, or modified, or repealed as provided by law. The provisions herein after contained shall apply to amendments, supplements, changes or modifications to district boundaries or classifications thereof. If any area is transferred from one district to another district, any nonconforming use thereby created may be continued to the extent permitted pursuant to the provisions of this ordinance regulating nonconforming uses generally.

1-1.2 — Such proposed amendments, supplements, changes or modifications, whether initiated by the Town Board, Planning Board or by petition shall be referred to the Planning Board for review and recommendation.

1-1.3 — Reserved

1-1.4 — When a petition has been filed and permitted to be processed within ten (10) days prior to the scheduled public hearing and is thereafter withdrawn, or is withdrawn or denied after the hearing, a petition seeking substantially the same relief shall not be considered or voted on by the Town Board, except for a vote to table or to receive and file, within one (1) year from the date of such previous filing, unless the Planning Board shall first find that there have been substantial changes which would merit a hearing or rehearing, in which case the Planning Board shall in its recommendation set forth the grounds for its determination. This restriction shall not apply where the Town Board has not finally determined the proceeding within sixty (60) days following the public hearing.

1-2 — Application for Rezoning

The petition shall contain the information described in Subsections 1-2.1 and 1-2.2 below and shall be verified before a person authorized by law to administer oaths. The number of copies shall be determined by the Building Inspector who shall approve the form of the petition before it is accepted for filing by the Town Clerk.

1-2.1 — Documents

1-2.1.1 — Name, address and telephone number of applicant and if he is not the owner, his interest in the property.

1-2.1.2 — Name, address and telephone number of owner(s) of the property proposed for rezoning.

1-2.1.3 — A legal description and existing street address of the total site proposed for rezoning.

1-2.1.4 — A survey of the total site, prepared by a licensed surveyor.

1-2.1.5 — Identification of existing and proposed zoning.

1-2.1.6 — A statement of planning objectives to be achieved by the rezoning. This statement should include a description of the character of the proposed development, the rationale behind the assumptions and choices made by the applicant, and a statement of how the development meets the objectives of the Comprehensive Plan.

1-2.1.7 — A general statement as to how Open Space is to be owned and maintained, if relevant.

1-2.1.8 — A development schedule indicating the approximate date when construction can be expected to begin and be completed and any stages thereof.

1-2.1.9 — A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the proposed development.

1-2.1.10 — Quantitative Data for the following:

A. Total number and type of dwelling units indicating distribution by dwelling unit type;

B. Calculation of the residential density and dwelling units per gross acre for the entire development;

C. Total amount of open space;

D. Proposed non-residential floor area.

1-2.1.11 — A Development Plan, if required by the Planning Board, in order to assure that the proposed zoning is consistent with the Comprehensive Plan and the intent and objectives of this ordinance.

1-2.2 — Development Plan

The Development Plan must contain the following minimum information, unless waived by the Planning Board as not being applicable. Maps shall be drawn to scale.

1-2.2.1 — The existing site conditions including property lines, contours, water courses, flood plains, unique natural features, and tree cover.

1-2.2.2 — Proposed land use arrangement.

1-2.2.3 — The location of all existing and proposed structures and other improvements including maximum heights, types of dwelling units and location of non-residential floor area.

1-2.2.4 — The location and size, in acres or square feet of all use areas and areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.

1-2.2.5 — The existing and proposed circulation system of arterial, collector and local streets including off-street parking, loading and stacking areas and major points of ingress and egress to the development. Notations of proposed ownership public or private should be included where appropriate.

1-2.2.6 — The existing and proposed pedestrian circulation system including its inter-relationships with the vehicular circulation system.

1-2.2.7 — The existing utilities systems including sanitary sewers, storm sewers, storm water retention areas and water lines.

1-2.2.8 — Information including zoning, ownership and use of all lands within 500 feet of the perimeter of the area proposed to be rezoned.

1-2.2.9 — Sketches or other representations of typical structures and improvements sufficient to convey the basic architectural intent of the proposed improvements.

1-2.2.10 — Any additional information as might be required by the Planning Board to evaluate the character and impact of the proposed rezoning.

1-2.3 — Planning Board Review

1-2.3.1 — Upon receipt of a petition for rezoning the Town Clerk shall transmit it to officials and agencies as he may deem appropriate for their review, report and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the petition, furnish the Planning Board a report pertinent to their respective jurisdictions.

1-2.3.2 — The Planning Board shall review the petition and development plan and evaluate reports received from reviewing agencies and officials. Within sixty (60) days following receipt by the Town Clerk and after holding a public meeting or petition the Planning Board shall furnish the Town Board and applicant either its findings that the proposed rezoning complies with the

Comprehensive Plan and the regulations, standards, intent and objectives of this ordinance or a finding of any failure of such compliance and a recommendation that the rezoning be approved, disapproved, or modified.

A. Favorable Report

A favorable report shall be based on the following findings which shall be included as a part of the report:

1) The proposed Zoning and Development Plan meets the intent and objectives of the Comprehensive Plan and this ordinance.

2) Whether or not there are adequate services and utilities available or proposed to be made available in the construction of the development.

B. Conditions

The Planning Board may include in a favorable report a recommendation that the Town Board establish conditions as a part of any resolution approving the application in order to protect the Public Health, Safety, Welfare and Environmental Quality of the community and to carry out the intent and objectives of the Comprehensive Plan and this ordinance.

C. Unfavorable Report

An unfavorable report shall state clearly the reasons, therefore, and if appropriate, point out to the applicant what changes might be necessary in order to receive a favorable report.

1-2.4 — Town Board Proceedings

1-2.4.1 — Public Hearing

A. Following completion of Planning Board review and upon receipt of the Planning Board's report, the Town Board shall:

1. refer back to the Planning Board for additional data if necessary;

2. set a date for a public hearing for the purpose of considering the application and cause notice to be given as required by law.

B. The Town Board shall hold the public hearing and render a decision within sixty (60) days.

1-2.4.2 — Town Board Action

A. If the Town Board approves the amendment, supplement, change or modification to district boundaries or classifications thereof, after publication as required by law, the Zoning Map shall be amended.

B. The Town Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its resolution approving an application additional conditions or requirements consistent with the intent and objectives of the Comprehensive Plan and this ordinance. The notice of the adoption of the resolution shall not be published nor shall the zoning map be amended until the applicant has filed with the Town Clerk written consent to those conditions.

Section 2 — Site Plan Submittal and Review

2-1 — Site Plan Submittal

A site plan must be submitted for all:

2-1.1 — Residential developments that contain three (3) or more multi-family dwelling units.

2-1.2 — New commercial, industrial, recreational, religious or institutional developments.

2-1.3 — Alterations or additions to existing commercial, industrial or public developments which increase original gross floor area by 750 sq. ft. or more.

2-1.4 — Modifications to off-street parking, loading and stacking areas and structures.

2-1.5 — All developments within a Flood Plain District.

2-1.6 — A site plan must be submitted for all applications to modify any previously approved site plan.

2-2 — Site Plan - Required Information

The content of the site plan shall be approved by the Building Inspector prior to filing. The approved submission shall

be filed with the Town Clerk who, upon payment of the required fees, shall transmit it to the Building Inspector for distribution to officials and agencies as he may deem appropriate for their review, report and recommendation. The site shall include the following information prepared by a licensed Engineer, Architect, Landscape Architect, Surveyor or Attorney as appropriate. The number of copies shall be determined by the Building Inspector.

2-2.1 — Title of drawing, including name of development, name and address of applicant and person who prepared the drawing.

2-2.2 — North point, scale and date.

2-2.3 — Location of survey datum.

2-2.4 — A survey platted to scale of the proposed development including its acreage and a legal description thereof.

2-2.5 — The lines and names of existing and proposed streets and sidewalks immediately adjoining and within the proposed site.

2-2.6 — Layout, number and dimension of lots.

2-2.7 — Location, proposed use, height and floor plan of all non-residential and all residential structures containing three (3) or more dwelling units, location of all parking, loading and stacking areas with access drives.

2-2.8 — Location and proposed development of all open spaces including parks, playgrounds, and open reservations.

2-2.9 — Existing and proposed water courses and direction of flow.

2-2.10 — Topographic map and drainage plan showing existing and finished grades, engineering calculations and the impact on the entire watershed.

2-2.11 — Water supply plan including location of fire hydrants.

2-2.12 — Paving, including typical cross sections and profiles of proposed streets, pedestrian walkways, bikeways and parking lots.

2-2.13 — Sewerage disposal plans. For information only.

2-2.14 — A landscape plan indicating location, type and size of existing trees, and vegetation, identifying those to be preserved; and location, type and size of trees, vegetation and other amenities to be provided.

2-2.15 — Location and design of lighting facilities, fences, walls and signs.

2-2.16 — Location and dimension of all signs for which use permits are required under this ordinance.

2-2.17 — Proposed easements, restrictions, covenants and provisions for homeowners associations and common ownerships.

2-3 — Site Plan Review

2-3.1 — The Building Inspector shall review the site plan to insure it is in conformance with this ordinance, the approved development plan, if one exists, and all other applicable Laws. Thereafter he shall forward the plan to the Planning Board and other agencies for review as appropriate.

2-3.2 — Within thirty (30) days of its receipt of the application for site plan approval by the Building Inspector, the agencies shall review it and notify the Planning Board in writing of its comments or recommendations.

2-3.3 — Within sixty (60) days of its receipt of the application for site plan approval and after holding an open meeting the Planning Board shall act on it and notify the Building Inspector, Town Clerk and applicant of its action. This time period may be extended by the written request of the applicant. In determining its action the Planning Board may seek advice from the agencies it deems appropriate. The Planning Board's action shall be in the form of a written report of approval or disapproval of the site plan. In approving the site plan, the Planning Board may impose conditions limiting the use and the occupancy of the land or proposed buildings consistent with the

intent and purposes of this ordinance. If the Planning Board recommends disapproval, it shall state its reasons.

2-3.4 — Standards for Site Plan Approval

The Planning Board shall recommend approval of the site plan if it finds that:

2-3.4.1 — The proposed site plan is consistent with the development plan if one is required.

2-3.4.2 — The proposed site plan is consistent with the intent, objectives and specific requirements of this ordinance.

2-3.4.3 — Adequate services and utilities will be available prior to occupancy.

2-3.4.4 — The site plan is consistent with all other applicable laws.

2-3.5 — Except for subdivisions that have been duly filed in the Office of the County Clerk, if construction of the approved development has not commenced within two (2) years from the time of site plan approval, that approval shall be deemed revoked. Extensions of this period may be granted by the Town Board.

Section 3 — Administrative Procedures

3-1 — Administration and Enforcement

3-1.1 — General Provisions

This Ordinance shall be administered by the Building Inspector, the Town Clerk and such agencies as the Town Board shall direct and shall be enforced by the Building Inspector. Those Departments and agencies shall be provided with the assistance of such persons as the Town Board may direct.

3-1.2 — Enforcement

This ordinance shall be enforced by the Building Inspector. The Building Inspector or his staff may enter any premise or building at a reasonable time to determine whether or not the same is in violation of this ordinance. He shall order discontinuance of uses of land, buildings, or structures, or construction of buildings, structures or additions, alterations, or other structural changes which are in violation of this ordinance or any other law. Nothing herein contained shall limit or restrict any other procedure provided for the enforcement of this ordinance or other applicable law.

3-2 — Construction and Use

Building permits authorize only the use, arrangement, and construction which is in compliance with this ordinance and other applicable laws. Use, arrangement, or construction not in compliance with this ordinance or other applicable laws shall be a violation of this ordinance.

3-3 — Determination of Similar Uses

3-3.1 — The Building Inspector may determine that a use not specifically listed in any districts established by this ordinance is a similar use to those enumerated in a specific district. In making a determination that a use is similar, the Building Inspector shall first determine that:

3-3.1.1 — The use is not listed in any other classification of permitted buildings or uses;

3-3.1.2 — The use is appropriate and conforms to the basic characteristics of the classification to which it is to be added;

3-3.1.3 — The use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than that resulting from other uses listed in the classification to which it is to be added; and

3-3.1.4 — Such a use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

3-3.2 — The determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district

and not as a variance applying to a particular situation. Any use found "similar" shall thereafter be included in the enumeration of uses permitted by right.

3-4.1 — A Certificate of Occupancy shall be applied for by the Owner or his agent and shall be issued by the Building Inspector as a condition precedent to the occupancy and/or use of a structure and land as follows:

3-4.1.1 — Occupancy of a Structure Erected or altered

A Certificate of Occupancy shall be required before occupancy of a new structure or before occupancy of an existing structure which has been altered, moved, changed in use or increased in off-street parking, loading or stacking requirements. The certificate shall only be issued after the erection or alteration of said structure, or a component thereof or after required accessory use and all approved site plan requirements have been completed and found by inspection to be in conformity with the provisions of the applicable laws, and the approved site plan.

3-4.1.2 — Change in Use of Conforming Structure or Land

A Certificate of Occupancy shall be required before occupancy of a conforming structure or land where the specific occupancy has been changed and where by reason of the provisions of this ordinance or other applicable law increased public or private facilities or modification of the structure are required, the certificate shall be issued, when found by inspection, to be in conformity with the provisions of all applicable laws.

3-4.1.3 — Change in Use of Nonconforming Building or Land

A Certificate of Occupancy shall be required whenever the specific occupancy of a nonconforming building or land is changed.

3-4.2 — Record of Existing Building and Land Use

Upon application by the owner, or his agent, the Building Inspector shall inspect a building or tract of land existing on the effective date of this ordinance and shall issue a Certificate of Occupancy and/or a certificate of Zoning Compliance therefore, certifying:

3-4.2.1 — The present use of the building or land;

3-4.2.2 — If such use conforms to all the provisions of this ordinance; or

3-4.2.3 — If it is a lawfully existing nonconforming use.

3-4.3 — Application for Certificate of Occupancy

3-4.3.1 — Application for a Certificate of Occupancy shall contain accurate information furnished by the owner or his agent, as to size and location of the lot, buildings or structures occupying the lot, the dimensions of all yards and open spaces, the use of land or structures and all additional documents as may be required by the Building Inspector.

3-4.3.2 — A record of all applications and certificates issued shall be kept on file in the office of the Building Inspector.

3-5 — Interpretations: Orders; etc.

The Building Inspector shall interpret this ordinance. Any interpretation or order, requirement decision or determination in connection with this ordinance shall be final except as otherwise provided by law.

3-6 — Records and Reports

The Building Inspector shall keep, or cause to be kept, a record in his department suitably indexed in regard to any decision or determination reached by him in connection with the interpretation or enforcement of this ordinance.

Section 4 — Board of Appeals

4-1 — Appointment and Organization

4-1.1 — The Board of Appeals

The Board of Appeals shall consist of seven members appointed by the Town

Board. The members of the Board of Appeals as now constituted shall continue in office until the expiration of their present terms. Thereafter, their successors shall be appointed for a term of five (5) years each. Vacancies shall be filled as provided for in the Town Law.

4-1.2 — Clerk of the Board

The Town Clerk shall be the Clerk of the Board of Appeals and shall perform such duties as required by it. The Town Board may appoint additional clerks or other employees serving at its pleasure, to assist the Board of Appeals. Minutes of all proceedings before the Board shall be taken and filed in the office of the Town Clerk and shall be public record.

4-2 — Powers and General Procedure

4-2.1 — The Board shall have all the powers and perform all of the duties established by statute and this ordinance.

4-2.2 — The Board shall adopt rules for the conduct of its business consistent with statute and this ordinance.

4-2.3 — The Chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses in the manner and to the extent permitted by the Town Law and the Civil Practice Law and Rules.

4-2.4 — The Board may seek recommendations from the Planning Board and other agencies it deems appropriate.

4-2.5 — An appeal stays all proceedings in furtherance of the action appealed from except as provided for in the Town Law.

4-2.6 — Hearings shall be public and decisions shall be voted upon at public sessions. The Board may otherwise hold executive sessions.

4-2.7 — The decisions of the Board shall contain findings supporting its decision. Each decision and record of each proceeding shall be filed in the Office of the Town Clerk. A copy of the decision shall be personally served upon or mailed to the applicant within five (5) days after such filing. This requirement shall not extend or otherwise affect the limitation of time for the commencement of review proceedings under the Town Law.

4-2.8 — Rehearings shall be held only in accordance with the Town Law.

4-2.9 — Lapse of Authorization

Any variance or modification of regulations authorized by the Board of Appeals shall be automatically revoked unless a building permit conforming to all the conditions and requirements established is obtained within six (6) months of the date approval by the Board of Appeals and construction within one (1) year of said date of approval.

4-3 — Appellate Jurisdiction

4-3.1 — Appeals for Interpretation

The Board shall hear and decide appeals where it is alleged that there is an error or misinterpretation in any order, requirement, decision or determination by any administrative official of the Town charged with the enforcement of the provisions of this ordinance or other regulations adopted pursuant to the Town Law. The Board may reverse, modify or affirm, in whole or in part, any such appealed order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in strictly applying and interpreting the provisions of this ordinance, and for such purposes shall have all the powers of the officer from whom the appeal is taken.

4-3.2 — Appeals for Variance

4-3.2.1 — On an appeal from an order, requirement, decision or determination of any administrative official charged with the enforcement of this ordinance or other regulations adopted pursuant to the Town Law where it is alleged by the appellant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict application of any

provision of this ordinance or regulation the Board may grant a variance in the strict application of such provisions, provided that all the following findings are made:

A. That there are unique circumstances or conditions peculiar to the particular property and that the practical difficulties or unnecessary hardship created by the provisions of this ordinance or regulation in the zoning district in which the property is located.

B. That such circumstances or conditions are such that the strict application of the provisions of this ordinance or regulation would deprive the applicant of the reasonable use of the property, and that the granting of the variance is therefore necessary to realize a reasonable use of the property.

C. That the variance, if granted, will be in harmony with the general purpose and intent of this ordinance or regulation and will not be injurious to the neighborhood or impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare.

D. That such practical difficulties or unnecessary hardship are not self-created by any person having an interest in the property through disregard for or ignorance of the provisions of this ordinance or regulation, provided, however, that where all other required findings are made, the purchase of property subject to a variance grant, shall not itself constitute a self-created hardship.

C. That within the intent and purposes of this ordinance or regulation the variance, if granted, is the minimum variance necessary to afford relief.

4-3.2.2 — In the following cases variances may also be granted:

A. Unusual size or shape of lot - Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the effective date of this ordinance, or by reason of exceptional topographic conditions or other exceptional physical difficulties in the development of such piece of property, the literal enforcement of the requirements of this ordinance or regulation pertaining to bulk, yards or open space relationships would result in peculiar practical difficulties or unnecessary hardship upon the owner of such property.

B. Non-conforming Structure - Where because the principal structure on any premises was originally lawfully erected and intended for a principal use which would not be a nonconforming use in the district in which located and the right to continue or re-establish such nonconforming use in such structure denied by the provisions of this ordinance, the literal enforcement of such provisions would result in peculiar practical difficulties or unnecessary hardship upon the owner of such property. In considering such appeal, the Board shall give due regard to the age and condition of such structure and its adaptability for or convertibility to a conforming use. In approving any such appeal the Board shall specify the time limit during which such a grant of variance shall be effective, which time limit shall in no case exceed the estimated useful life of such structure. In case the building has been condemned and ordered to be demolished, the Board shall not grant any such appeal.

C. Any other case involving practical difficulties or unnecessary hardship in the way of carrying out any provisions of this ordinance or such regulations with respect to design regulations.

4-3.2.3 — No variance under the provisions of Sec. 4-3.2.2 of this part or such regulation shall be authorized by the Board unless it finds that such a variance:

A. Will be in harmony with the general purposes and intent of this ordinance or such regulation, taking into account the location and size of use, the nature and

intensity of the operations involved in or conducted in connection with it and the size of the site in respect to streets giving access thereto.

B. Will not tend to depreciate the value of adjacent property, taking into account the possibility of screening or other protective measures to protect adjacent properties.

C. Will not create a hazard to health, safety or general welfare.

D. Will not alter the essential character of or be detrimental to the neighborhood.

E. Is the minimum necessary to afford relief.

4-3.2.4 — In granting a variance the Board may vary or modify the provisions of this ordinance or such regulation so that the spirit of the law shall be observed, public safety secured, and substantial justice done. Toward this end, the Board may prescribe such conditions or restrictions as it may deem necessary. Such conditions or restrictions shall be incorporated in the building permit and the certificate of zoning compliance and a violation thereof shall be a violation of this ordinance.

4-3.3 — Voting Requirements

4-3.3.1 — Appeals for interpretation shall be decided by the concurring vote of a majority of the members of the Board except in cases where a vote of the majority plus one is required pursuant to the provisions of the General Municipal Law.

4-4 — Original Jurisdiction

4-4.1 — Temporary Structures or Uses

4-4.1.1 — The board may authorize a temporary and revocable permit for not more than two (2) years for uses and structures that do not conform with the regulations of this ordinance for the district in which it is located, provided that the following findings are made:

A. Such use is of a temporary nature and does not involve the erection or enlargement of any permanent structure.

B. In case of a renewal permit, that all conditions and safeguards previously required have been complied with.

C. Dwelling units not permitted.

4-4.1.2 — The Board may authorize temporary structures or uses incidental to development, provided that the nature and scale of the development is such as to require temporary structures or uses. The permit shall be on the condition that such development proceeds diligently.

4-4.2 — A violation of any condition or time limit established by the Board of Appeals under Section 4-4 shall be a violation of the ordinance.

Section 5 — Special Use Permits

5-1 — Special Use permits authorized by this ordinance shall only be issued by the Town Board after a public hearing advertised in the same manner as for an amendment to this ordinance.

5-1.1 — The Board shall hear and decide, in accordance with the provisions of this ordinance, all applications for special use permits or for modifications of provisions of this ordinance in all such cases upon which the Board is specifically authorized to pass, or to make any other determination required by this ordinance.

5-1.2 — In authorizing any special permit, or modification or in making any required determination, all required findings shall be made, and, in the case of special permits or renewals thereof or modifications the Board may prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety or general welfare.

5-1.3 — No special permit or renewal thereof or modification of the provisions of this ordinance shall be authorized by the Board unless, in addition to other findings specified in this ordinance, it finds that such special permit or modification:

A. Will be in harmony with the general purposes and intent of this ordinance;

B. Will not tend to depreciate the value of adjacent property;

C. Will not create a hazard to health, safety, or the general welfare;

D. Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof; and

E. Will not otherwise be detrimental to the public convenience and welfare.

Section 6 — Schedule of Fees: See Chapter 30, Page 3001 of Town Code.

Section 7 — Provisions of Ordinance Declared to be Minimum Standards in the interpretation, application and enforcement of the provisions of this ordinance the provisions thereof shall be held to be the minimum requirements necessary for the protection and promotion of the health, safety, and general welfare of the Town.

Section 8 — Penalties for Violation

A. Any person who violates any provision of this ordinance or any regulation adopted hereunder is guilty of an offense punishable by a fine not exceeding \$250.00 or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate violation.

B. Pursuant to 268 of Article 16 of the Town Law, a violation of this ordinance is hereby declared to be an offense, punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed six (6) months, or both.

C. A person shall be subject to the penalties imposed by this section and 268 of Article 16 of the Town Law in any case where an order to remove any violation of any of the provisions of this ordinance has been served by the Building Inspector upon the owner, general agent, lessee or tenant of the building, other structure or tract of land, or any part thereof, or upon the architect, builder, contractor or anyone who commits or assists in any such violation and such person shall fail to comply with such order within ten (10) days after the service thereof. Each week's continued violation shall constitute a separate additional violation and shall be punishable hereunder.

Section 9 — Validity

If any section, clause or provision of this ordinance or the application thereof to any person or lands is adjudged to be invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application and to this end the various sections, clauses and provisions of this ordinance are declared to be severable.

Section 10 — Repeal of Conflicting Legislation

The provisions of Chapter 50 of the Ordinance of the Town of Lancaster previously enacted and amended are repealed upon the adoption and publication of this ordinance as required by law.

May 15, 1989

STATE OF NEW YORK:

COUNTY OF ERIE: ss:

TOWN OF LANCASTER:

This is to certify that I, ROBERT P. THILL, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster, in the said County of Erie, have compared the foregoing copy of ZONING ORDINANCE with the original thereof filed in my office at Lancaster, New York, on May 15, 1989, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town this 15th day of May, 1989.

Robert P. Thill
Town Clerk and Registrar
of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED
COUNCILMAN KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA, TO WIT:

WHEREAS, Conbow's Lancaster Lanes, Inc. has applied for a license to operate and maintain a Game Room on premises located at 4913 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and chief of Police for review and recommendation, and

WHEREAS, the Building Inspector and Chief of Police have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to issue a license to Conbow's Lancaster Lanes, Inc. to operate and maintain a Game Room on premises located at 4913 Transit Road, Lancaster, New York, and

BE IT FURTHER

RSOLVED, that said license shall be issued for the one (1) year period of July 3, 1989 to July 3, 1990 in accordance with the application of the petitioner, as filed in the Town Clerk's Office, for fifteen (15) amusement devices, and upon receipt by the Town Clerk of the required annual license fee of \$1,160.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-LICENSES

12X

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER, TO WIT:

WHEREAS, Walter Ferry, 309 Schwartz Road, Lancaster, New York has applied for a Dumping Permit for property situate on 140 Cemetery Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Walter Ferry, 309 Schwartz Road, New York, be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 140 Cemetery Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. NO asphaltic materials shall be used as fill (as per N.Y.S.D.E.C. Regulations).
2. Filling operations must NOT encroach on the floodway
3. The petitioner is directed to submit, for attachment to the permit and for Town record, a site plan or survey specifically identifying the area to be filled and the estimate of the volume to be placed.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYS VOTED YES

The resolution was thereupon unanimously adopted.

April 17, 1989

File: R-PRMT-DP-0 (P2)

32X

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 8172 to Claim No. 8363 Inclusive.

Total amount hereby authorized to be paid:

\$ 281,369.09

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-CLAIMS

32X

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER, TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the Issuance of these Building Permits be and are
hereby authorized:

CODES:

(T) = Tree Planting Fee tendered to the Town of Lancaster pursuant to
the provisions of Chapter 30-26 of the Code of the Town of Lancaster.

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of
Lancaster are waived.

| NO. | CODE | NAME | ADDRESS | STRUCTURE |
|-----|------|---------------------|---------------------|------------------|
| 326 | | Clean Sweep Chimney | 78 Country Pl | ER. WOOD. STOVE |
| 327 | | Don Powell | 116 Steinfeldt Rd | ER. DECK |
| 328 | | Frank Rago | 177 Peppermint Rd | ER. FENCE |
| 329 | | Dave Hauck | 1278 Penora St | ER. GARAGE |
| 330 | | Thomas McCabe | 52 Country Pl | ER. SHED |
| 331 | | Robert Costanzo | 12 Lucia Ct | ER. FIREPLACE |
| 332 | | Robert Maciejewski | 516 Hall Rd | ER. SHED |
| 333 | | Clarence Blenk | 15 Ravenwood Dr | ER. DECK, COVER |
| 334 | | Leonard Stepien | 5 Robinwood Ct | ER. SHED |
| 335 | | Steven Ulm | 1167 Penora St | ER. GARAGE |
| 336 | | Alfred Benedick | 1166 Penora St | ER. POOL |
| 337 | | Carl Pawlowski | 1190 Penora St | ER. GARAGE |
| 338 | (T) | Centennial Homes | 1 Fieldstone La | ER. SIN. DWLG |
| 339 | (T) | James Costa | 655 Harris Hill Rd | ER. SIN. DWLG |
| 340 | | Scott Hallin | 206 Seneca Pl | DEM., ER. GARAGE |
| 341 | | M/M George Kilger | 48 Country Pl | ER. SHED |
| 342 | | Dicom Const. | 6, 8 Hawthorne Tr | ER. TOWNHOUSES |
| 343 | | Michael Eberth | 3524 Bowen Rd | ER. POOL |
| 344 | | Henry Brzezinski | 4 Plumb Creek Tr | ER. SHED |
| 345 | (T) | Woodbridge Const. | 51 Running Brook Dr | ER. SIN. DWLG |
| 346 | (T) | Woodbridge Const. | 25 Fieldstone La | ER. SIN. DWLG |

| | | | |
|---------|-------------------|---------------------|-----------------|
| 347 | Bernard Beechler | 36 Running Brook Dr | ER. SHED & DECK |
| 348 (T) | Donald Schwendler | 50 Running Brook Dr | ER. SIN. DWLG |
| 349 | Bell Optical | 4885 Transit Rd | ER. SIGN |

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

File: R-BLDG

32X1

Councilman Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

RESOLVED, that STANLEY JAY KEYSA, the Supervisor of the Town of Lancaster, New York, is authorized and directed to file an application on forms prescribed by the New York State Office of Parks, Recreation and Historic reservation for financial assistance in accordance with the provision of Title 9 of the Environmental Quality Bond Act of 1986, in an amount not to exceed \$256,121.61 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for the WALDEN POND PARK - PHASE 2 PROJECT, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster is hereby directed to provide a certified copy of this resolution to be provided with the grant application.

The question of the adoption of the foregoing resolution was duly put a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

2X

Councilman Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, the Town Justices of the Town of Lancaster, by letter dated June 14, 1989, have requested an increase in the Petty Cash Fund maintained by the Town Court, to \$200.00 for each Judge to be used as a change fund for said Town Justice Court,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Justice Court is hereby authorized to establish and maintain a Petty Cash Fund in the amount of \$200.00 for each Judge to be used as a change fund for said Justice Court of the Town of Lancaster, in strict accordance with Section 64(1)(a) of the Town Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted .

July 3, 1989

32X1

Councilman Czapla requested a suspension of the necessary rule for immediate consideration of the following resolution - SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK, TO WIT:

WHEREAS, a 55 mile per hour speed limit is presently in effect on William-Kidder Road in the Town of Lancaster from Ransom Road east to Town Line Road, and

WHEREAS, the Police and Safety Committee of the Town Board of the Town of Lancaster deems it in the public interest that a survey and evaluation of the existing 55 mile per hour speed limit be made

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby requests the Police Department of the Town of Lancaster to survey and evaluate the existing 55 mile per hour speed limit on William-Kidder Road in the Town of Lancaster from Ransom Road east to Town Line Road with a view towards lowering the speed limit at which vehicles may proceed on this highway.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

Councilman Giza requested a suspension of the necessary rule for immediate consideration of the following resolution - SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK, TO WIT:

WHEREAS, a need exists in the Building and Maintenance Department of the Town of Lancaster for temporary employees to paint the Clark Street Historical Museum and other Town owned buildings,

NOW, THEREFORE, BE IT

RESOLVED, that STEPHEN COFFED, 75 Elm Place, Lancaster, New York, be and is hereby appointed to the position of laborer in the service of the Buildings and Maintenance Department of the Town of Lancaster on a temporary basis, to serve at the will of the Town Board at an hourly wage of \$5.00 per hour, and

BE IT FURTHER

RESOLVED, that CHARLES J. ARDILLO, 18 Christen Court, Lancaster, New York, be and is hereby appointed to the position of laborer in the service of the Buildings and Maintenance Department of the Town of Lancaster on a temporary basis to serve at the will of the Town Board at an hourly wage of \$7.00 per hour, and

BE IT FURTHER

RESOLVED, that both of these appointments shall not exceed a five (5) month duration and are subject to each appointee successfully passing a physical examination prior to commencement of employment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 3, 1989

1. Detention Basin - Milton Drive

On June 6, 1988, the Town Engineer was directed to expedite this project.

2. Dumping Permit - Clarence Center General Construction Co.

On January 27, 1989, this matter was referred to the Town Engineer and Building Inspector for review and recommendation.

3. Dumping Permit - Walter Ferry

On May 8, 1989, this matter was referred to the Town Engineer and Building Inspector for review and recommendation. On July 3, 1989 the Town Board authorized the issuance of this permit. The Town Clerk was directed to remove this item from future Town Board agendas.

4. Dumping Permit - Kazimierz/Alina Krauze

On May 30, 1989, this matter was referred to the Town Engineer and Building Inspector for review and recommendation. On July 3, 1989 the Town Board authorized the issuance of this permit. The Town Clerk was directed to remove this item from future Town Board agendas.

5. Public Improvement Permit Authorization - Forestream Village Subdivision, Phase I (DiLapo)

| TYPE | ISSUED | ACCEPTED | BONDED |
|---------------|--------|----------|--------|
| Waterline | Yes | Yes | Yes |
| Pavement | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Curbs | Yes | Yes | Yes |
| Floodway | Yes | No | No |

6. Public Improvement Permit Authorization - Forestream Village Subdivision, Phase II (DiLapo)

| TYPE | ISSUED | ACCEPTED | BONDED |
|---------------|--------|----------|--------|
| Waterline | Yes | No | No |
| Pavement | No | No | No |
| Storm Sewers | Yes | No | No |
| Street Lights | No | No | n/a |
| Sidewalks | No | n/a | n/a |
| Curbs | No | No | No |
| Floodway | No | No | No |
| East Culvert | Yes | No | No |

7. Public Improvement Permit Authorization - Indian Pine Village (Fischlone Const., Inc.)

| TYPE | ISSUED | ACCEPTED | BONDED |
|------------------|--------|----------|--------|
| Waterline | Yes | Yes | Yes |
| Pavement & Curbs | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Detention Basin | Yes | No | No |

8. Public Improvement Permit Authorization - The Meadows (Giallanza)

| TYPE | ISSUED | ACCEPTED | BONDED |
|------------------|--------|----------|--------|
| Waterline | Yes | Yes | Yes |
| Pavement & Curbs | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Detention Basin | n/a | n/a | n/a |

STATUS REPORT ON UNFINISHED BUSINESS (CONT'D.)

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**9. Public Improvement Permit Authorization - Pine Tree Farm, Phase I
(Josela - East off Aurora Street)**

| <u>TYPE</u> | <u>ISSUED</u> | <u>ACCEPTED</u> | <u>BONDED</u> |
|--------------------------|---------------|-----------------|---------------|
| Waterline (Transmission) | Yes | Yes | Yes |
| Waterline (Hydrants) | Yes | No | No |
| Pavement & Curbs | Yes | No | No |
| Storm Sewers | Yes | No | No |
| Street Lights | No | No | n/a |
| Sidewalks | No | n/a | n/a |
| Detention Basin | YES | No | No |

**10. Public Improvement Permit Authorization - Pine Tree Farm, Phase II
(Josela - East off Aurora Street)**

| <u>TYPE</u> | <u>ISSUED</u> | <u>ACCEPTED</u> | <u>BONDED</u> |
|------------------|---------------|-----------------|---------------|
| Waterline | Yes | No | No |
| Pavement & Curbs | Yes | No | No |
| Storm Sewers | Yes | No | No |
| Street Lights | No | No | n/a |
| Sidewalks | No | n/a | n/a |
| Detention Basin | No | No | No |

11. Public Improvement Permit Authorization - Plumb Estates (Galasso)

| <u>TYPE</u> | <u>ISSUED</u> | <u>ACCEPTED</u> | <u>BONDED</u> |
|------------------|---------------|-----------------|---------------|
| Waterline | Yes | Yes | Yes |
| Pavement & Curbs | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Detention Basin | Yes | No | No |

12. Public Improvement Permit Authorization - Plumb Estates South, Phase I (Galasso)

| <u>TYPE</u> | <u>ISSUED</u> | <u>ACCEPTED</u> | <u>BONDED</u> |
|------------------|---------------|-----------------|---------------|
| Waterline | Yes | Yes | Yes |
| Pavement & Curbs | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Detention Basin | n/a | n/a | n/a |

13. Public Improvement Permit Authorization - Plumb Estates South, Phase II (Galasso)

| <u>TYPE</u> | <u>ISSUED</u> | <u>ACCEPTED</u> | <u>BONDED</u> |
|------------------|---------------|-----------------|---------------|
| Waterline | Yes | Yes | Yes |
| Pavement & Curbs | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Detention Basin | n/a | n/a | n/a |

**14. Public Improvement Permit Authorization - Warnerview Estates, Phase I
(Donato)**

| <u>TYPE</u> | <u>ISSUED</u> | <u>ACCEPTED</u> | <u>BONDED</u> |
|------------------|---------------|-----------------|---------------|
| Waterline | Yes | Yes | Yes |
| Pavement & Curbs | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Detention Basin | Yes | No | No |

32x1

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:**15. Public Improvement Permit Authorization - Wernerview Estates, Phase II
(Donato)**

| <u>TYPE</u> | <u>ISSUED</u> | <u>ACCEPTED</u> | <u>BONDED</u> |
|------------------|---------------|-----------------|---------------|
| Waterline | Yes | Yes | Yes |
| Pavement & Curbs | Yes | Yes | Yes |
| Storm Sewers | Yes | Yes | Yes |
| Street Lights | Yes | No | n/a |
| Sidewalks | Yes | n/a | n/a |
| Detention Basin | n/a | n/a | n/a |

**16. Rezone Petition - Jeffrey D. Tucker and Gary D. Machniak
On July 3, 1989 the Town Board set a Public Hearing on this matter for July 17, 1989.****17. Rezone Petition - James W. Zimmer - Hugh Allan
On July 3, 1989, the Town Board set a Public Hearing on this matter for July 17, 1989.****18. Rezone Petition - Harold Zoerb
On March 28, 1989, the Town Clerk referred this matter to the Planning Board, Planning Consultant, Building Inspector and Town Board for review and recommendation.****19. State Contract Grant - 40 Clark Street Museum
Application for grant has been filed.****20. Subdivision Approval - The Crossings (Off Erie St.)
On June 6, 1989, this matter was referred to the Planning Board, Town Engineer, Building Inspector, Planning Consultant, Highway Superintendent, Police Chief and Town Line Fire Chief for review and recommendation.****21. Subdivision Approval - Deer Cross (Off William St.)
On June 21, 1989, the Planning Board approved this subdivision subject to approval of the Town Engineer and Police Chief.****22. Subdivision Approval - Lake Forest (Off Lake Ave.)
On June 21, 1989, the Planning Board approved this subdivision subject to four (4) conditions.****23. Subdivision Approval - Meadowland Subdivision (Bosse - Off Redleln Dr.)
Review of this subdivision is on hold until surfacer water drainage problems are resolved by the developer.****24. Subdivision Approval - Southpoint Subdivision (Josela - Off Aurora St.)
On May 3, 1989, this matter was referred to the Planning Board, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report. On June 19, 1989, the Town Board, Planning Board in joint session adopted a negative determination on this project.**

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

25. Subdivision Approval - Willowridge Subdivision (Gensis - Off Aurora St.)

On April 10, 1989, this matter was referred to the Planning Board, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report.

26. Traffic Survey - Genesee Street East of Harris Hill Road

On May 2, 1989, the Town Clerk requested the N.Y.S.D.O.T. to perform a traffic study in this area.

27. Traffic Survey - Speed Limit - William-Kidder Road

On July 3, 1989, a petition from the residents of William-Kidder Road was presented to the Town Board and referred to the Chief of Police for review and recommendation.

PERSONS ADDRESSING TOWN BOARD:

Martin Baum, an attorney, and Clifford Krumm, an Engineer, spoke to the Town Board relative to final site plan approval for the Arrowhead Apartments on Walden Avenue. The Board Members requested a revised site plan showing landscaping, sidewalks, and a revised set back of building number 1 at the south east corner to 33.5 feet from Walden Avenue.

Barbara Schaefer, 100 William-Kidder Road, and Lucy Nowacki, 115 William-Kidder Road, presented to the Town Board a petition signed by all the residents of William-Kidder Road requesting a lower speed limit on this Town Highway. The petition was referred to the Chief of Police for investigation.

COMMUNICATIONS**DISPOSITION**

| | |
|--|-------------------------------------|
| 702. Town Attorney to LVAC President - Comments re: Section 122 GML. | R & F |
| 703. LVAC to Town Board - Recommendation of two members to roster. | R & F |
| 704. Town Clerk to Town Board - Notice of expiration of Cheektowaga contract for disposal of dead dogs on 9/89. | TOWN ATTORNEY |
| 705. Joesla Enterprises to Town Board - Application for detention basin P.I.P. for Pinetree Farm Subdivision, Phase I. | R & F |
| 706. Bowmansville Concerned Citizens Committee to Town Board - Concerns re: New Creation Fellowship Church site. | TOWN ATTORNEY BUILDING INSPECTOR |
| 707. NYSDOT to Town Clerk - Orders re: designation of Transit Rd. and Wehrle Dr. as access highways. | POLICE CHIEF |
| 708. Town Attorney to NYSDEC - Transmittal of certified copy of Local Law No. 1 of 1989 re: Amended Floodplain Management Regulations. | R & F |
| 709. ENCRPB to Supervisor - Comments and copy of results of water quality testing effort re: Ellicott Creek Improvement Project, Phase I. | R & F |
| 710. NYSDEC to Supervisor - Request support of legislation re: Solid Waste Management Fund. | SOLID WASTE COMMITTEE |
| 711. Councilmen Giza and Miller - Request permission to attend Nat'l Assoc. of Towns and Townships in Washington, D.C. from 9/6-9/8/89. | R & F |
| 712. CSEAS to Supervisor - Request commencement of negotiations re: Highway Dept. personnel. | TOWN ATTORNEY |
| 713. Friends of Como Lake Park to County Executive - Suggestions re: World University Games. | R & F |
| 714. Supervisor to U.S. Bureau of Census - Designation of Robert Laney as local review liaison for Town. | R & F |
| 715. Police Chief to Supervisor - Comments re: change of name and address for Young Fire Equipment. | CHIEF FOWLER |
| 716. Independent Living Center to Supervisor - Offer of free survey of parking areas re: handclapped parking spaces. | PUBLIC SAFETY COMMITTEE |
| 717. County Clerk to Supervisor - Comments re: bindery services. | R & F |
| 718. Rowley, Forrest, O'Donnell & Hite, P.C. to Supervisor - Notice of dismissal of appeal re: Town of Brookhaven vs New York State. | R & F |

COMMUNICATIONS CONT'D.:DISPOSITION

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| 719. Michael/Susan Klima to Building Inspector - Request assistance in upkeep of detention basin near Pheasant Run La. | <u>HIGHWAY SUPERINTENDENT</u> <u>cc: TO THE KLIMA'S</u> |
| 720. Thomas Nizial to Town Board - Concerns re: water drainage problems along Town Line Rd. between Walden and Genesee St. | <u>DRAINAGE COMMITTEE</u> |
| 721. Friends of Como Lake Park to County Executive - Suggestions re: World University Games (letter written previous to Communication #713.) | <u>R & F</u> |
| 722. Combined HAZMAT Team to Town Board - Request assistance with maintenance and storage of high tech equipment. | <u>R & F</u> |
| 723. Sen. Volker to Ellicott Creek Property Owners - Request completion of survey. | <u>R & F</u> |
| 724. Town Clerk to Zoning Board Members, Building Inspector and Dep. Town Attorney - Transmittal of three variance petitions for meeting to be held 7/13/89. | <u>R & F</u> |
| 725. Planning Board Chair. to Town Board - Recommendation of approval of Zimmer/Allen rezone petition for Riemers Ave. | <u>R & F</u> |
| 726. Planning Board Chair. to Town Board - Recommendation of approval of Deer Cross Subdivision. | <u>S.E.Q.R.</u> |
| 727. Planning Board Chair. to Town Board - Recommendation of approval of Lake Forest Subdivision, with stipulations. | <u>S.E.Q.R.</u> |
| 728. Planning Board Chair. to Town Board - Recommendation of denial of Tucker/Machniak rezone petition for 21 Pavement Road. | <u>R & F</u> |
| 729. Town Attorney to Galasso Family Enter. - Advisement re: Plumb Bottom Creek floodway. | <u>R & F</u> |
| 730. Town Attorney to Centennial Homes, Inc. - Advisement re: proper grading plan - 11 Robins Nest Ct. | <u>R & F</u> |
| 731. Town Attorney to Jones Intercable, Inc. Advisement re: remedial landscaping in Countryview East, Heritage Hills and Countryside Subdivisions. | <u>R & F</u> |
| 732. Planning Board to Town Board - Minutes from meeting held 6/21/89. | <u>R & F</u> |
| 733. Town Engineers to Supervisor - Recommend approval of Krauze Dumping Permit with conditions. | <u>R & F</u> |
| 734. Town Engineers to Supervisor - Recommend approval of Ferry Dumping Permit with conditions. | <u>R & F</u> |
| 735. Town Attorney to Bella Vista Mgt Inc. Advisement re: zoning north of Forestream Subdivision. | <u>R & F</u> |
| 736. Town Attorney to NYSDEC - Advisement re: MBE/WBE Program requirements | <u>R & F</u> |

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COMMUNICATIONS CONT'D.:DISPOSITION

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| 737. MJ Bowers, Inc. to Town Board - Appreciation for quick respond to recommendation of abandonment of Snell St. | R & F |
| 738. Highway Superintendent to Town Board - Request for bids for Steinfeldt Rd. Bridge work. | R & F |
| 739. Highway Employee to Town Board - Advise ment of newly selected officers to represent C.S.E.A. Local 815. | R & F |
| 740. Lovell Safety Management to Supervisor - Re: Combined Executive Committee & Annual Meeting, Association of Governments Safety Group #496, 7/20/89, Holiday Inn-Airport. | SUPERVISOR |
| 741. Executive Secretary Association of Towns to Supervisor - Information on Legislation pertaining to 1989 Association of Towns resolutions. | R & F |
| 742. NYS Dept of Environmental Conservation to Supervisor - Advise ment on proposed projects-Lancaster Iron & Metal Co. and Lake Forest Subdivision. | S.E.Q.R. |
| 743. NYS Dept of Environmental Conservation to Supervisor - Advise ment on proposed project-The Crossing Subdivision | S.E.Q.R. |
| 744. Town Line Vol. Fire Dept. to Town Board - Advise ment of approval to operate as an Advanced Life Support Unit. | R & F |
| 745. Erie Co. Commissioner of Public Works to Highway Superintendent - Re: 1988 State Transportation Bond Act, State Aid Local Bridge Program. | ENGINEER |
| 746. Highway SuperIntendent to Town Board - Request approval of Summer Help. | R & F |
| 747. Highway SuperIntendent to Town Board - Request permanent employment for three town highway employees. | R & F |
| 748. William Kidder Road Residents to Town Board - Petition of residents for speed reduction. | CHIEF FOWLER FOR REVIEW & REPORT |
| 749. Supervisor to U.S.Dept. of Housing - Re: Section 202 Application for Fund Reservation Location-Project Number: 014-EH272/NY06-T891-011. | R & F |
| 750. Executive Director, Youth Bureau to Supervisor - Request approval of Art instructor and Creative Writing Instructor. | R & F |
| 751. Executive Director, Youth Bureau to Supervisor - Request approval of tutors for summer program. | R & F |
| 752. Town Attorney to Town Board - Re: Indian Pine Subdivision. | R & F |
| 753. Town Attorney to Peppermint Rd. Resident - Advise ment on status of 175 Peppermint Rd. | R & F |

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COMMUNICATIONS CONT.:DISPOSITION

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| 754. Town Attorney to CSEA - Re: Contract Negotiations - 1989, Highway Dept. SCEA & Town of Lancaster. | R & F |
| 755. Erie County Housing Rehabilitation Program to Supervisor - Advise of financial assistance for home repairs. | R & F |
| 756. BEN Article - 6/29/89. | R & F |
| 757. Cardinal Industries to Supervisor - Re: Refuse tax for Briarcliff Apartments. | TOWN ATTORNEY |
| 758. Supervisor to Highway Superintendent - Re: Ditch D-1 (between Penora St. and the west line of the Village of Lancaster). | R & F |
| 759. Supervisor to Executive Director, NYS Thruway - Re: limited access highway from Broadway & Bowen Roads. | R & F |
| 760. County Executive to President, Friends of Como Lake Park - Re: Events of World University Games. | R & F |
| Supervisor Keysa requested a suspension of the necessary rule for immediate consideration of the following communications - | |
| 761. Donald Gallo, Con. Eng. to Supervisor - Grant Application - Walden Pond Park - Phase 2. | R & F |
| 762. Dir of Administration and Finance to Town Board - Status Report on Health Insurance Buyout Prog. | R & F |
| 763. Supervisor to Franklin E. White, Com. NYSDOT - Re: Transit Road reconstruction. | R & F |
| 764. Supervisor to Highway Superintendent - Re: Installation of new driveway to access animal shelter and storage yard. | R & F |
| 765. Krehbiel Associates to Supervisor - Subdivision Specifications - Back and Side Yard Drainage - KAI Job File No. 2178. | R & F |
| 766. Recreation Director to Town Board - Requests rescheduled meeting be 7/17/89. | R & F |
| 767. Supervisor to Town Board - Requests addition of 2 seasonal employees to Bldg. Maint. Dept. | TOWN CLERK FOR SUSPENDED RESOLUTION |

ADJOURNMENT

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 11:05 P.M. out of respect to:

ROBERT VALOIS

Signed

Robert P. Thill
Robert P. Thill, Town Clerk

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